"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक "छत्तीसगढ़/दुर्ग/09/2012-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 317] रायपुर, गुरुवार, दिनांक 18 जुलाई 2013—आषाढ़ 27, शक 1935

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, कैपिटल काम्प्लेक्स, नया रायपुर

रायपुर, दिनांक 19 जुलाई 2013

क्र. 6160/डी. 158/21-अ/प्रा./छ.ग./13.—भारत सरकार, विधि और न्याय मंत्रालय के पत्र क्र. F. 1 (38)/11-L.I./ नई दिल्ली, दिनांक 03-05-2013 के अनुसरण में दी नार्थ-ईस्टर्न एरियास (रिआर्गनाइजेशन) एन्ड अदर रिलेटेड लॉस (अमेन्डमेंट) एक्ट, 2012 (नं. 26 ऑफ 2012) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सुषमा सावंत, अतिरिक्त सचिव.

THE NORTH-EASTERN AREAS (REORGANISATION) AND OTHER RELATED LAWS (AMENDMENT) ACT, 2012

An Act

further to amend the North-Eastern Areas (Reorganisation) Act, 1971 and Other Related Laws.

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

AMENDMENTS TO THE NORTH-EASTERN AREAS (REORGANISATION) ACT, 1971

Amendment of section 2.

2. In section 2 of the North-Eastern Areas (Reorganisation) Act, 1971 (hereinafter referred to as the principal Act), in clause (*d*), the following proviso shall be inserted, namely:—

81 of 1971.

'Provided that on and from the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012, the provisions of this clause shall have effect as if for the brackets and words "(Assam, Nagaland, Meghalaya, Manipur and Tripura)", the brackets and words "(Assam, Arunachal Pradesh, Mizoram and Nagaland)" had been substituted.'.

Amendment of section 28.

3. In section 28 of the principal Act, in sub-section (*1*), the following proviso shall be inserted, namely:—

"Provided that on and from the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012, the common High Court shall be the High Court for the States of Assam, Arunachal Pradesh, Mizoram and Nagaland and shall cease to have its jurisdiction, powers and authority for the States of Meghalaya, Manipur and Tripura.".

Insertion of new sections 28A to 28K.

4. After section 28 of the principal Act, the following sections shall be inserted, namely:—

Establishment of separate High Courts for the States of Meghalaya, Manipur and Tripura.

"28A. (*1*) On and from the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012, there shall be a High Court—

(*a*) for the State of Meghalaya to be called the High Court of Meghalaya;

(*b*) for the State of Manipur to be called the High Court of Manipur;

(*c*) for the State of Tripura to be called the High Court of Tripura.

(*2*) The principal seat of the High Court of Meghalaya, the High Court of Manipur and the High Court of Tripura shall respectively be at such place as the President may, by notified order, appoint.

(*3*) Notwithstanding anything contained in sub-section (*2*), the Judges and division courts of the High Court of Meghalaya, the High Court of Manipur and the High Court of Tripura may sit at such other place or places in the States of Meghalaya, Manipur and Tripura respectively, other than their principal seat as the Chief Justice of the respective High Court may, with the approval of the Governor of the State concerned, appoint.

Judges of High Courts of Meghalaya, Manipur and Tripura.

28B. (*1*) Such of the Judges of the common High Court holding office immediately before the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012 as may be determined by the President after ascertaining their option shall, on such commencement, cease to be the Judges of the common High Court and become a Judge of the High Court of Meghalaya or the High Court of Manipur or the High Court of Tripura, as the case may be.

(*2*) Every person who by virtue of sub-section (*1*) become a Judge of the High Court of Meghalaya or the High Court of Manipur or the High Court of Tripura shall, except in the case where any such person is appointed to be the Chief Justice of any of those High Courts, rank in the respective High Court according to the priority of their respective appointments as Judges of the common High Court.

633

Bill No. 47-F of 2012

THE NORTH-EASTERN AREAS (REORGANISATION) AND OTHER RELATED LAWS (AMENDMENT) BILL, 2012

(AS PASSED BY THE HOUSES OF PARLIAMENT)

A

BILL

further to amend the North-Eastern Areas (Reorganisation) Act, 1971 *and Other Related Laws.*

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (*1*) This Act may be called the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

28C. The High Court of Meghalaya, the High Court of Manipur and the High Court of Tripura shall have, in respect of any part of the territories included in the State of Meghalaya, the State of Manipur and the State of Tripura respectively, all such jurisdiction, powers and authority as, under the law in force immediately before the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012, are exercisable in respect of that part of the said territories by the common High Court.

Jurisdiction of High Courts of Meghalaya, Manipur and Tripura.

28D. The law in force immediately before the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012 with respect to the custody of the seal of the common High Court shall, with the necessary modifications, apply with respect to the custody of the seal of the High Court of Meghalaya, the High Court of Manipur and the High Court of Tripura, as the case may be.

Custody of seal of High Courts of Meghalaya, Manipur and Tripura.

28E. The law in force immediately before the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012 with respect to practice and procedure in the common High Court shall, with necessary modifications, apply in relation to the High Court of Meghalaya, the High Court of Manipur and the High Court of Tripura, and accordingly, the High Court of Meghalaya, the High Court of Manipur and the High Court of Tripura shall, respectively, have all such powers to make rules and orders with respect to practice and procedure as are immediately before the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012 exercisable by the common High Court:

Practice and procedure in the High Courts of Meghalaya, Manipur and Tripura.

Provided that any rules or orders which are in force immediately before the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012 with respect to the practice and procedure in the common High Court shall, until varied or revoked by rules or orders made by the High Court of Meghalaya or the High Court of Manipur or the High Court of Tripura, as the case may be, apply with the necessary modifications in relation to the practice and procedure in the High Court of Meghalaya, the High Court of Manipur and the High Court of Tripura respectively, as if such rules or orders were made by the respective High Court.

28F. The law in force immediately before the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012 with respect to the form of writs and other processes used, issued or awarded by the common High Court shall, with the necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the High Court of Meghalaya, the High Court of Manipur and the High Court of Tripura.

Forms of writs and other processes.

28G. The law in force immediately before the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012 relating to the powers of the Chief Justice, Single Judges and division courts of the common High Court and with respect to all matters ancillary to the exercise of those powers shall, with the necessary modifications, apply in relation to the High Court of Meghalaya, the High Court of Manipur and the High Court of Tripura.

Powers of Judges.

28H. The law in force immediately before the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012 relating to appeals to the Supreme Court from the common High Court and the Judges and division courts thereof shall, with the necessary modifications, apply in relation to the High Courts of Meghalaya, Manipur and Tripura.

Procedure as to appeals to Supreme Court.

Transfer of proceedings from common High Court to the High Courts of Meghalaya, Manipur and Tripura.

28-I. (*1*) Except as hereinafter provided, the common High Court shall, as from the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012, have no jurisdiction in respect of the States of Meghalaya, Manipur and Tripura.

(*2*) Such proceedings pending in the common High Court immediately before the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012 as are certified, whether before or after that day, by the Chief Justice of that High Court, having regard to the place of accrual of the cause of action and other circumstances to be proceedings which ought to be heard and decided by the High Court of Meghalaya or the High Court of Manipur or the High Court of Tripura, as the case may be, shall, as soon as may be after such certification, be transferred to the High Court of Meghalaya or the High Court of Manipur or the High Court of Tripura, as the case may be.

(*3*) Notwithstanding anything contained in sub-sections (*1*) and (*2*) or in section 28A, but save as hereinafter provided, the common High Court shall have, and the High Court of Meghalaya, the High Court of Manipur and the High Court of Tripura shall not have, jurisdication to entertain, hear or dispose of appeals, applications for leave to the Supreme Court, applications for review and other proceedings where any such proceedings seek any relief in respect of any order passed by the common High Court before the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012:

Provided that if after any such proceedings have been entertained by the common High Court, it appears to the Chief Justice of that High Court that they ought to be transferred to the High Court of Meghalaya or the High Court of Manipur or the High Court of Tripura, he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.

(*4*) Any order made by the common High Court—

(*a*) before the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012, in any proceedings transferred to the High Court of Meghalaya, or the High Court of Manipur or the High Court of Tripura by virtue of sub-section (*2*); or

(*b*) in any proceeding with respect to which the common High Court retains jurisdiction by virtue of sub-section (*3*),

shall, for all purposes, have effect, not only as an order of the common High Court but also as an order made by the High Court of Meghalaya, or the High Court of Manipur or the High Court of Tripura, as the case may be.

Interpretation.

28J. For the purposes of section 28H,—

(*a*) proceedings shall be deemed to be pending in a Court until that Court has disposed of all issues between the parties, including any issue with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs; and

(*b*) references to a High Court shall be construed as including references to a Judge or division Court thereof, and references to an order made by a Court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that Court or Judge.

Saving.

28K. Nothing in sections 28A to 28J (both inclusive) shall affect the application to the High Court of Meghalaya, the High Court of Manipur and the High Court of Tripura of any provisions of the Constitution, and the provisions of these sections shall have effect subject to any provision that may be made on or after the

commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012 with respect to the respective High Court by any Legislature or other authority having power to make such provisions.".

Amendment of section 31.

5. In section 31 of the principal Act, in sub-section (*3*), for the words "Assam, Manipur, Meghalaya, Nagaland or Tripura", the words "Assam, Arunachal Pradesh, Mizoram or Nagaland" shall be substituted.

Amendment of section 32.

6. In section 32 of the principal Act, the following proviso shall be inserted, namely:—

"Provided that on and from the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012, the provisions of this section shall cease to have effect.".

Amendment of section 33.

7. In section 33 of the principal Act, for the words "Manipur, Meghalaya, Nagaland and Tripura", the words "Arunachal Pradesh, Mizoram and Nagaland" shall be substituted.

Insertion of new section 87A.

8. After section 87 of the principal Act, the following section shall be inserted, namely:—

Power to remove difficulties.

"87A. (*1*) If any difficulty arises in giving effect to the provisions of this Act, as amended by the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012.

(*2*) Every order made under this section shall be laid before each House of Parliament.".

CHAPTER III

AMENDMENTS TO THE ADVOCATES ACT, 1961 AND SPECIAL PROVISIONS RELATING TO THE BAR COUNCIL AND ADVOCATES

Amendment of section 3.

25 of 1961.

9. On and from the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012, in section 3 of the Advocates Act, 1961,—

(*A*) in sub-section (*1*),—

(*i*) in clause (*a*), for the words "and Uttaranchal", the words "Uttarakhand, Meghalaya, Manipur and Tripura" shall be substituted;

(*ii*) for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) for the States of Arunachal Pradesh, Assam, Mizoram and Nagaland to be known as the Bar Council of Arunachal Pradesh, Assam, Mizoram and Nagaland;";

(*B*) in sub-section (*2*), for the words "in the case of the State Bar Council of Assam, Nagaland, Meghalaya, Manipur and Tripura, the Advocate-General of each of the States of Assam, Manipur, Meghalaya, Nagaland and Tripura", the words "in the case of the State Bar Council of Assam, Arunachal Pradesh, Mizoram and Nagaland, the Advocate-General of each of the States of Assam, Arunachal Pradesh, Mizoram and Nagaland" shall be substituted.

Special provision relating to Bar Councils and advocates.

10. *(1)* Any person who immediately before the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012 is an advocate on the roll of the Bar Council of the States of Assam, Nagaland, Meghalaya, Manipur and Tripura may give his option in writing, within one year from the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012 to the Bar Council of such State, to transfer his name on the roll of the Bar Council of any one State among the States of Meghalaya, Manipur and Tripura and notwithstanding anything contained in the Advocates Act, 1961 and the rules made thereunder, upon such option so given his name shall be deemed to have been transferred on the roll of the Bar Council of such State with effect from the date of the option so given for the purposes of the said Act and the rules made thereunder.

25 of 1961.

(2) The persons other than the advocates who are entitled immediately before the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012, to practise in the common High Court or any subordinate Court thereof shall, on and after the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012, be recognised as such persons entitled also to practise in the High Court of Meghalaya, the High Court of Manipur and the High Court of Tripura or any subordinate Court thereof, as the case may be.

(3) The right of audience in the High Court of Meghalaya, the High Court of Manipur and the High Court of Tripura shall be regulated in accordance with the like principles as immediately before the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012 are in force with respect to the right of audience in the common High Court.

Right to appear or to act in proceedings transferred to High Courts of Meghalaya, Manipur and Tripura.

11. Any person who, immediately before the commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012, is an advocate entitled to practise or any other person entitled to practise in the common High Court and was authorised to appear in any proceedings transferred from that High Court to the High Court of Meghalaya or the High Court of Manipur or the High Court of Tripura under section 28-I of the North-Eastern Areas (Reorganisation) Act, 1971 shall have the right to appear in the High Court of Meghalaya, or the High Court of Manipur or the High Court of Tripura, as the case may be, in relation to those proceedings.

81 of 1971.

CHAPTER IV

AMENDMENT OF THE STATE OF MIZORAM ACT, 1986

Amendment of Act 34 of 1986.

12. After section 26 of the State of Mizoram Act, 1986, the following section shall be inserted, namely:—

Non-applicability of this Part to the States of Meghalaya, Manipur and Tripura.

"26A. On and from the date of commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012, the provisions of sections 15 to 26 (both inclusive) shall not apply to the States of Meghalaya, Manipur and Tripura.".

CHAPTER V

AMENDMENT OF THE STATE OF ARUNACHAL PRADESH ACT, 1986

Amendment of Act 69 of 1986.

13. After section 28 of the State of Arunachal Pradesh Act, 1986, the following section shall be inserted, namely:—

"28A. On and from the date of commencement of the North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012, the provisions of sections 18 to 29 (both inclusive) shall not apply to the States of Meghalaya, Manipur and Tripura.".

Non-applicability of this Part to the States of Meghalaya, Manipur and Tripura.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2013.

A

BILL

further to amend the North-Eastern Areas (Reorganisation) Act, 1971 and Other Related Laws.

(*As passed by the Houses of Parliament*)

GMGIPMRND—1489RS(S4)—08-06-2012.

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2012-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 317-A] रायपुर, गुरुवार, दिनांक 18 जुलाई 2013—आषाढ़ 27, शक 1935

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, कैपिटल काम्प्लेक्स, नया रायपुर

रायपुर, दिनांक 19 जुलाई 2013

क्र. 6160/डी. 158/21-अ/प्रा./छ.ग./13.—भारत सरकार, विधि और न्याय मंत्रालय के पत्र क्र. F. 1 (38)/11-L.I./ नई दिल्ली, दिनांक 03-05-2013 के अनुसरण में दी कापीराईट (अमेन्डमेंट) एक्ट, 2012 (नं. 27 ऑफ 2012) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सुषमा सावंत, अतिरिक्त सचिव.

THE COPYRIGHT (AMENDMENT) ACT, 2012

An Act

further to amend the Copyright Act, 1957

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and commencement.

1. *(1)* This Act may be called the Copyright (Amendment) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

14 of 1957.

Amendment of section 2.

2. In section 2 of the Copyright Act, 1957 (hereinafter referred to as the principal Act),—

(*i*) in clause (*f*), the portion beginning with the words "on any medium" and ending with the words "produced by any means" shall be omitted;

(*ii*) after clause (*f*), the following clause shall be inserted, namely:—

'(*fa*) "commercial rental" does not include the rental, lease or lending of a lawfully acquired copy of a computer programme, sound recording, visual recording or cinematograph film for non-profit puroses by a non-profit library or non-profit educational institution.';

ल 24-10-13

Explanation.—For the purposes of this clause, a "non-profit library or non-profit educational institution" means a library or educational institution which receives grants from the Government or exempted from payment of tax under the Income-tax Act, 1961.

43 of 1961.

(*iii*) for clause *(ff)*, the following shall be substituted, namely:—

'*(ff)* "communication to the public" means making any work or performance available for being seen or heard or otherwise enjoyed by the public directly or by any means of display or diffusion other than by issuing physical copies of it, whether simultaneously or at places and times chosen individually, regardless of whether any member of the public actually sees, hears or otherwise enjoys the work or performance so made available.

Explanation.—For the purposes of this clause, communication through satellite or cable or any other means of simultaneous communication to more than one household or place of residence including residential rooms of any hotel or hostel shall be deemed to be communication to the public;';

(*iv*) in clause (*qq*), the following proviso shall be inserted, namely:—

"Provided that in a cinematograph film a person whose performance is casual or incidental in nature and, in the normal course of the practice of the industry, is not acknowledged anywhere including in the credits of the film shall not be treated as a performer except for the purpose of clause (*b*) of section 38B;";

(*v*) after clause *(x)*, the following clause shall be inserted, namely:—

'(*xa*) "Rights Management Information" means,—

(*a*) the title or other information identifying the work or performance;

(*b*) the name of the author or performer;

(*c*) the name and address of the owner of rights;

(*d*) terms and conditions regarding the use of the rights; and

(*e*) any number or code that represents the information referred to in sub-clauses (*a*) to (*d*),

but does not include any device or procedure intended to identify the user;';

(*vi*) after clause *(xx)*, the following clause shall be inserted, namely:—

'(xxa) "visual recording" means the recording in any medium, by any method including the storing of it by any electronic means, of moving images or of the representations thereof, from which they can be perceived, reproduced or communicated by any method;';

Amendment of section 11.

3. In section 11 of the principal Act,—

(*a*) in sub-section (*1*), for the words "not less than two nor more than fourteen other memebers", the words "two other members" shall be substituted;

(*b*) for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) The salaries and allowances payable to and the other terms and conditions of service of the Chairman and other members of the Copyright Board shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairman or any other member shall be varied to his disadvantage after appointment.";

(*c*) for sub-section (*4*), the following sub-section shall be substituted, namely:—

"(*4*) The Central Government may, after consultation with the Chairman of the Copyright Board, appoint a Secretary to the Copyright Board and such other officers and employees as may be considered necessary for the efficient discharge of the functions of the Copyright Board.".

Amendment of section 12.

4. In section 12 of the principal Act, in sub-section (*2*), for the words "members, each Bench consisting of not less than three members", the word "members" shall be substituted.

Amendment of section 14.

5. In section 14 of the principal Act,—

(*i*) in clause (*c*), for sub-clause (*i*), the following sub-clause shall be substituted, namely:—

"(*i*) to reproduce the work in any material form including—

(*A*) the storing of it in any medium by electronic or other means; or

(*B*) depiction in three-dimensions of a two-dimensional work; or

(*C*) depiction in two-dimensions of a three-dimensional work;";

(*ii*) in clause (*d*),—

(*a*) for sub-clause (*i*), the following sub-clause shall be substituted, namely:—

"(*i*) to make a copy of the film, including—

(*A*) a photograph of any image forming part thereof; or

(*B*) storing of it in any medium by electronic or other means;";

(*b*) for sub-clause (*ii*), the following sub-clause shall be substituted, namely:—

"(*ii*) to sell or give on commercial rental or offer for sale or for such rental, any copy of the film;";

(*iii*) in clause (*e*),—

(*a*) in sub-clause (*i*), after the words "embodying it", the words "including storing of it in any medium by electronic or other means" shall be inserted;

(*b*) for sub-clause (*ii*), the following sub-clause shall be substituted, namely:—

"(*ii*) to sell or give on commercial rental or offer for sale or for such rental, any copy of the sound recording;".

2 of 1911.
16 of 2000.

Amendment of section 15.

6. In section 15 of the principal Act, for the words and figures, "Designs Act, 1911", wherever they occur, the words and figures "Designs Act, 2000" shall be substituted.

Amendment of section 17.

7. In section 17 of the principal Act, in clause (*e*), the following proviso shall be inserted at the end, namely:—

Provided that in case of any work incorporated in a cinematograph work, nothing contained in clauses (*b*) and (*c*) shall affect the right of the author in the work referred to in clause (*a*) of sub-section (*1*) of section 13;".

Amendment of section 18.

8. In section 18 of the principal Act, in sub-section (*1*), after the proviso, the following provisos shall be inserted, namely:—

"Provided further that no such assignment shall be applied to any medium or mode of exploitation of the work which did not exist or was not in commercial use at the time when the assignment was made, unless the assignment specifically referred to such medium or mode of exploitation of the work:

Provided also that the author of the literary or musical work included in a cinematograph film shall not assign or waive the right to receive royalties to be shared on an equal basis with the assignee of copyright for the utilisation of such work in any form other than for the communication to the public of the work along with the cinematograph film in a cinema hall, except to the legal heirs of the authors or to a copyright society for collection and distribution and any agreement to contrary shall be void:

Provided also that the author of the literary or musical work included in the sound recording but not forming part of any cinematograph film shall not assign or waive the right to receive royalties to be shared on an equal basis with the assignee of copyright for any utilisation of such work except to the legal heirs of the authors or to a collecting society for collection and distribution and any assignment to the contrary shall be void.".

Amendment of section 19.

9. In section 19 of the principal Act,—

(*i*) in sub-section *(3)*, for the words "royalty payable, if any", the words "royalty and any other consideration payable" shall be substituted;

(*ii*) after sub-section *(7)*, the following sub-sections shall be inserted, namely:—

"(*8*) The assignment of copyright in any work contrary to the terms and conditions of the rights already assigned to a copyright society in which the author of the work is a member shall be void.

(*9*) No assignment of copyright in any work to make a cinematograph film shall affect the right of the author of the work to claim an equal share of royalties and consideration payable in case of utilisation of the work in any form other than for the communication to the public of the work, along with the cinematograph film in a cinema hall.

(*10*) No assignment of the copyright in any work to make a sound recording which does not form part of any cinematograph film shall affect the right of the author of the work to claim an equal share of royalties and consideration payable for any utilisation of such work in any form."

Amendment of section 19A.

10. In section 19A of the principal Act,—

(*i*) in sub-section (*2*), in the second priviso, for the words "Provided further that", the following shall be substituted, namely:—

"Provided further that, pending the disposal of an application for revocation of assignment under this sub-section, the Copyright Board may pass such order, as it deems fit regarding implementation of the terms and conditions of assignment including any consideration to be paid for the enjoyment of the rights assigned:—

Provided also that";

(*ii*) after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*3*) Every complaint received under sub-section (*2*) shall be dealt with by the Copyright Board as far as possible and efforts shall be made to pass the final order in the matter within a period of six months from the date of receipt of the complaint and any delay in compliance of the same, the Copyright Board shall record the reasons thereof.".

Amendment of section 21.

11. In section 21 of the principal Act,—

(i) in sub-section *(1)*, for the words "the Registrar of Copyrights", the words "the Registrar of Copyrights or by way of public notice" shall be substituted;

(ii) after sub-section *(2)*, the following sub-section shall be inserted, namely:—

"(*2A*) The Registrar of Copyrights shall, within fourteen days from the publication of the notice in the Official Gazette, post the notice on the official website of the Copyright Office so as to remain in the public domain for a period of not less than three years.".

12. In section 22 of the principal Act, the brackets and words "(other than a photograph)" shall be omitted.

Amendment of section 22.

13. Section 25 of the principal Act shall be omitted.

Omission of section 25.

14. In section 30 of the principal Act, for the words "writing signed by him", the words "writing by him" shall be substituted.

Amendment of section 30.

15. In section 30A of the principal Act and in its marginal heading, for the words, figures and letter, "section 19 and 19A", the word and figures "section 19" shall be substituted.

Amendment of section 30A.

16. In section 31 of the principal Act,—

Amendment of section 31.

(i) in sub-section *(1)*,—

(a) for the words "any Indian work", the words "any work" shall be substituted;

(b) for the words "licence to the complainant" the words "licence to such person or persons who, in the opinion of the Copyright Board, is or are qualified to do so" shall be substituted;

(c) the *Explanation* shall be omitted;

(ii) sub-section *(2)* shall be omitted.

17. In section 31A of the principal Act,—

Amendment of section 31A.

(i) in the marginal heading, for the words "Indian works", the words "or published works" shall be substituted;

(ii) for sub-section *(1)*, the following sub-section shall be substituted, namely:—

"*(1)* Where, in the case of any unpublished work or any work published or communicated to the public and the work is withheld from the public in India, the author is dead or unknown or cannot be traced, or the owner of the copyright in such work cannot be found, any person may apply to the Copyright Board for a licence to publish or communicate to the public such work or a translation thereof in any language.".

18. After section 31A of the principal Act, the following sections shall be inserted, namely: —

Insertion of new sections 31B, 31C, and 31D.

Compulsory licence for benefit of disabled.

"31B. *(1)* Any person working for the benefit of persons with disability on a profit basis or for business may apply to the Copyright Board, in such form and manner and accompanied by such fee as may be prescribed, for a compulsory licence to publish any work in which copyright subsists for the benefit of such persons, in a case to which clause *(zb)* of sub-section *(1)* of section 52 does not apply and the Copyright Board shall dispose of such application as expeditiously as possible and endeavour shall be made to dispose of such application within a period of two months from the date of receipt of the application.

(2) The Copyright Board may, on receipt of an application under sub-section *(1)*, inquire, or direct such inquiry as it considers necessary to establish the credentials of the applicant and satisfy itself that the application has been made in good faith.

(3) If the Copyright Board is satisfied, after giving to the owners of rights in the work a reasonable opportunity of being heard and after holding such inquiry as it may deem necessary, that a compulsory licence needs to be issued to make the work available to the disabled, it may direct the Registrar of Copyrights to grant to the applicant such a licence to publish the work.

(4) Every compulsory licence issued under this section shall specify the means and format of publication, the period during which the compulsory licence may be exercised and, in the case of issue of copies, the number of copies that may be issued including the rate or royalty:

Provided that where the Copyright Board has issued such a compulsory licence it may, on a further application and after giving reasonable opportunity to the owners of rights, extend the period of such compulsory licence and allow the issue of more copies as it may deem fit.

Statutory licence for cover versions.

31C. (*1*) Any person desirous of making a cover version, being a sound recording in respect of any literary, dramatic or musical work, where sound recordings of that work have been made by or with the licence or consent of the owner of the right in the work, may do so subject to the provisions of this section:

Provided that such sound recordings shall be in the same medium as the last recording, unless the medium of the last recording is no longer in current commercial use.

(*2*) The person making the sound recordings shall give prior notice of his intention to make the sound recordings in the manner as may be prescribed, and provide in advance copies of all covers or labels with which the sound recordings are to be sold, and pay in advance, to the owner of rights in each work royalties in respect of all copies to be made by him, at the rate fixed by the Copyright Board in this behalf:

Provided that such sound recordings shall not be sold or issued in any form of packaging or with any cover or label which is likely to mislead or confuse the public as to their identity, and in particular shall not contain the name or depict in any way any performer of an earlier sound recording of the same work or any cinematograph film in which such sound recording was incorporated and, further, shall state on the cover that it is a cover version made under this section.

(*3*) The person making such sound recordings shall not make any alteration in the literary or musical work which has not been made previously by or with the consent of the owner of rights, or which is not technically necessary for the purpose of making the sound recordings:

Provided that such sound recordings shall not be made until the expiration of five calendar years after the end of the year in which the first sound recordings of the work was made.

(*4*) One royalty in respect of such sound recordings shall be paid for a minimum of fifty thousand copies of each work during each calendar year in which copies of it are made:

Provided that the Copyright Board may, by general order, fix a lower minimum in respect of works in a particular language or dialect having regard to the potential circulation of such works.

(*5*) The person making such sound recordings shall maintain such registers and books of account in respect thereof, including full details of existing stock as may be prescribed and shall allow the owner of rights or his duly authorised agent or representative to inspect all records and books of account relating to such sound recording:

Provided that if on a complaint brought before the Copyright Board to the effect that the owner of rights has not been paid in full for any sound recordings purporting to be made in pursuance of this section, the Copyright Board is, *prima facie,* satisfied that the complaint is genuine, it may pass an order *ex parte* directing the person making the sound recording to cease from making further copies and, after holding such inquiry as it considers necessary, make such further order as it may deem fit, including an order for payment of royalty.

Explanation.—For the purposes of this section "cover version" means a sound recording made in accordance with this section.

31D. *(1)* Any broadcasting organisation desirous of communicating to the public by way of a broadcast or by way of performance of a literary or musical work and sound recording which has already been published may do so subject to the provisions of this section.

Statutory licence for broadcasting of literary and musical works and sound recording.

(2) The broadcasting organisation shall give prior notice, in such manner as may be prescribed, of its intention to broadcast the work stating the duration and territorial coverage of the broadcast, and shall pay to the owner of rights in each work royalties in the manner and at the rate fixed by the Copyright Board.

(3) The rates of royalty for radio broadcasting shall be different from television broadcasting and the Copyright Board shall fix separate rates for radio broadcasting and television broadcasting.

(4) In fixing the manner and the rate of royalty under sub-section (*2*), the Copyright Board may require the broadcasting organisation to pay an advance to the owners of rights.

(5) The names of the authors and the principal performers of the work shall, except in case of the broadcasting organisation communicating such work by way of performance, be announced with the broadcast.

(6) No fresh alteration to any literary or musical work, which is not technically necessary for the purpose of broadcasting, other than shortening the work for convenience of broadcast, shall be made without the consent of the owners of rights.

(7) The broadcasting organisation shall —

(*a*) maintain such records and books of account, and render to the owners of rights such reports and accounts; and

(*b*) allow the owner of rights or his duly authorised agent or representative to inspect all records and books of account relating to such broadcast,

in such manner as may be prescribed.

(8) Nothing in this section shall affect the operation of any licence issued or any agreement entered into before the commencement of the Copyright (Amendment) Act, 2012.".

19. In section 33 of the principal Act,—

Amendment of section 33.

(*i*) in sub-section (*1*), for the words "provided further", the following shall be substituted, namely:—

"Provided further that the business of isuing or granting license in respect of literary, dramatic, musical and artistic works incorporated in a cinematograph films or sound recordings shall be carried out only through a copyright society duly registered under this Act:

Provided also";

(*ii*) after sub-section (*3*), the following shall be inserted, namely:—

"(*3A*) The registration granted to a copyright society under sub-section (*3*) shall be for a period of five years and may be renewed from time to time before the end of every five years on a request in the prescribed form and the Central Government may renew the registration after considering the report of Registrar of Copyrights on the working of the copyright society under section 36:

Provided that the renewal of the registration of a copyright society shall be subject to the continued collective control of the copyright society being shared with the authors of works in their capacity as owners of copyright or of the right to receive royalty:

Provided further that every copyright society already registered before the coming into force of the copyright (Amendment) Act, 2012 shall get itself registered under this

Chapter within a period of one year from the date of commencement of the Copyright (Amendment) Act, 2012.";

(*iii*) in sub-sections (*4*) and (*5*), for the words "owners of rights", the words "authors and other owners of right" shall be substituted;

(*iv*) in sub-section (*5*), after the word "concerned" the words "or for non-compliance of sections 33A, sub-section (*3*) of section 35 and section 36 or any change carried out in the instrument by which the copyright society is established or incorporated and registered by the Central Government without prior notice to it" shall be inserted.

Insertion of new section 33A.

20. After section 33 of the principal Act, the following section shall be inserted, namely:—

Tariff Scheme by copyright societies.

"33A. (*1*) Every copyright society shall publish its tariff scheme in such manner as may be prescribed.

(2) Any person who is aggrieved by the tariff scheme may appeal to the Copyright Board and the Board may, if satisfied after holding such inquiry as it may consider necessary, make such orders as may be required to remove any unreasonable element, anomaly or inconsistency therein:

Provided that the aggrieved person shall pay to the copyright society any fee as may be prescribed that has fallen due before making an appeal to the Copyright Board and shall continue to pay such fee until the appeal is decided, and the Board shall not issue any order staying the collection of such fee pending disposal of the appeal:

Provided further that the Copyright Board may after hearing the parties fix an interim tariff and direct the aggrieved parties to make the payment accordingly pending disposal of the appeal.".

Amendment of section 34.

21. In section 34 of the principal Act, for the words "owner of rights", wherever they occur, the words "author and other owners of right" shall be substituted.

Omission of section 34A.

22. Section 34A of the principal Act shall be omitted.

Amendment of section 35.

23. In section 35 of the principal Act and its marginal heading,—

(*a*) for the words "owners of rights", wherever they occur, the words "author and other owners of right" shall be substituted;

(*b*) after sub-section (*2*), the following sub-sections shall be inserted, namely:—

(*3*) Every copyright society shall have a governing body with such number of persons elected from among the members of the society consisting of equal number of authors and owners of work for the purpose of the administration of the society as may be specified.

(*4*) All members of copyrights society shall enjoy equal membership rights and there shall be no discrimination between authors and owners of rights in the distribution of royalties.

Amendment of section 36A.

24. In section 36A of the principal Act,—

(*a*) for the words "performing rights society", the words "copyright society" shall be substituted;

(*b*) for the words, brackets and figures "the Copyright (Amendment) Act, 1994", the words, brackets and figures "the Copyright (Amendment) Act, 2012" shall be substituted.

38 of 1994.

Amendment of section 37.

25. In section 37 of the principal Act, in sub-section *(3),* for clause *(e),* the following clause shall be substituted, namely:—

"*(e)* sells or gives on commercial rental or offer for sale or for such rental, any such sound recording or visual recording referred to in clause (*c*) or clause (*d*),".

26. In section 38 of the principal Act, sub-sections (3) and (4) shall be omitted.

Amendment of section 38.

27. After section 38 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 38A and 38B.

Exclusive right of performers.

"38A. (1) Without prejudice to the rights conferred on authors, the performer's right which is an exclusive right subject to the provisions of this Act to do or authorise for doing any of the following acts in respect of the performance or any substantial part thereof, namely:—

(a) to make a sound recording or a visual recording of the performance, including—

(i) reproduction of it in any material form including the storing of it in any medium by electronic or any other means;

(ii) issuance of copies of it to the public not being copies already in circulation;

(iii) communication of it to the public;

(iv) selling or giving it on commercial rental or offer for sale or for commercial rental any copy of the recording;

(b) to broadcast or communicate the performance to the public except where the performance is already broadcast.

(2) Once a performer has, by written agreement, consented to the incorporation of his performance in a cinematograph film he shall not, in the absence of any contract to the contrary, object to the enjoyment by the producer of the film of the performer's right in the same film:

Provided that, notwithstanding anything contained in this sub-section, the performer shall be entitled for royalties in case of making of the performances for commercial use.

Moral rights of the performer.

38B. The performer of a performance shall, independently of his right after assignment, either wholly or partially of his right, have the right,—

(a) to claim to be identified as the performer of his performance except where omission is dictated by the manner of the use of the performance; and

(b) to restrain or claim damages in respect of any distortion, mutilation or other modification of his performance that would be prejudicial to his reputation.

Explanation.—For the purposes of this clause, it is hereby clarified that mere removal of any portion of a performance for the purpose of editing, or to fit the recording within a limited duration, or any other modification required for purely technical reasons shall not be deemed to be prejudicial to the performer's reputation.

28. For section 39A of the principal Act, the following section shall be substituted, namely:—

Substitution of a new section for section 39A.

Certain provisions to apply in case of broadcast reproduction right and performer's rights.

"39A. (1) Sections 18,19, 30, 30A, 33, 33A, 34, 35, 36, 53, 55, 58, 63, 64, 65, 65A, 65B and 66 shall, with necessary adaptations and modifications, apply in relation to the broadcast reproduction right in any broadcast and the performer's right in any performance as they apply in relation to copyright in a work:

Provided that where copyright or performer's right subsists in respect of any work or performance that has been broadcast, no licence to reproduce such broadcast, shall be given without the consent of the owner of right or performer, as the case may be, or both of them:

Provided further that the broadcast reproduction right or performer's right shall not subsist in any broadcast or performance if that broadcast or performance is an infringement of the copyright in any work.

(*2*) The broadcast reproduction right or the performer's right shall not affect the separate copyright in any work in respect of which, the broadcast or the performance, as the case may be, is made.".

Amendment of section 40.

29. In section 40 of the principal Act, in the proviso, in clause (*iii*), after the words "the order relates", the words "but such a term of copyright shall not exceed the term of copyright provided under this Act" shall be inserted.

Amendment of section 40A.

30. In section 40A of the principal Act, in sub-section (*2*), in clause (*ii*), the following proviso shall be inserted, namely:—

"Provided that it does not exceed the period provided under this Act;".

Amendment of section 45.

31. In section 45 of the principal Act, in sub-section (*1*), in the proviso,—

(*i*) for the words "relation to any goods", the words "relation to any goods or services" shall be substituted;

(*ii*) for the words and figures "section 4 of the Trade and Merchandise Marks Act, 1958" the words and figures "section 3 of the Trade Marks Act, 1999" shall be substituted.

43 of 1958.
47 of 1999.

Amendment of section 52.

32. In section 52 of the principal Act, in sub-section *(1)*,—

(*i*) for clause *(a)*, the following clause shall be substituted, namely:—

(a) a fair dealing with any work, not being a computer programme, for the purposes of—

(i) private or personal use, including research;

(ii) criticism or review, whether of that work or of any other work;

(iii) the reporting of current events and current affairs, including the reporting of a lecture delivered in public.

Explanation.—The storing of any work in any electronic medium for the purposes mentioned in this clause, including the incidental storage of any computer programme which is not itself an infringing copy for the said purposes, shall not constitute infringement of copyright.";

(*ii*) for clauses (*b*), (*c*), (*d*), (*e*), (*f*), (*g*), (*h*), (*i*) and (*j*), the following shall be substituted, namely:—

"*(b)* the transient or incidental storage of a work or performance purely in the technical process of electronic transmission or communication to the public;

(*c*) transient or incidental storage of a work or performance for the purpose of providing electronic links, access or integration, where such links, access or integration has not been expressly prohibited by the right holder, unless the person responsible is aware or has reasonable grounds for believing that such storage is of an infringing copy:

Provided that if the person responsible for the storage of the copy has received a written complaint from the owner of copyright in the work, complaining that such transient or incidental storage is an infringement, such person responsible for the storage shall refrain from facilitating such access for a period of twenty-one days or till he receives an order from the competent court refraining from facilitating access and in case no such order is received before the expiry of such period of twenty-one days, he may continue to provide the facility of such access;

(*d*) the reproduction of any work for the purpose of a judicial proceeding or for the purpose of a report of a judicial proceeding;

(*e*) the reproduction or publication of any work prepared by the Secretariat of a Legislature or, where the Legislature consists of two Houses, by the Secretariat of either House of the Legislature, exclusively for the use of the members of that Legislature;";

(*f*) the reproduction of any work in a certified copy made or supplied in accordance with any law for the time being in force;

(*g*) the reading or recitation in public of reasonable extracts from a published literacy or dramatic work;

(*h*) the publication in a collection, mainly composed of non-copyright matter, *bona fide* intended for instructional use, and so described in the title and in any advertisement issued by or on behalf of the publisher, of short passages from published literary or dramatic works, not themselves published for such use in which copyright subsists:

Provided that not more than two such passages from works by the same author are published by the same publisher during any period of five years.

Explanation.—In the case of a work of joint authorship, references in this clause to passages from works shall include references to passages from works by any one or more of the authors of those passages or by any one or more of those authors in collaboration with any other person;

(*i*) the reproduction of any work—

(*i*) by a teacher or a pupil in the course of instruction; or

(*ii*) as part of the questions to be answered in an examination; or

(*iii*) in answers to such questions;

(*j*) the performance, in the course of the activities of an educational institution, of a literary, dramatic or musical work by the staff and students of the institution, or of a cinematograph film or a sound recording if the audience is limited to such staff and students, the parents and guardians of the students and persons connected with the activities of the institution or the communication to such an audience of a cinematograph film or sound recording;";

(*iii*) for clause (*n*), the following clause shall be substituted, namely:—

"(*n*) the storing of a work in any medium by electronic means by a non-commercial public library, for preservation if the library already possesses a non-digital copy of the work;";

(*iv*) in clause (*o*), for the words "public library", the words, "non-commercial public library" shall be substituted;

(*v*) after clause (*v*), the following clause shall be inserted, namely:—

"(*w*) the making of a three-dimensional object from a two-dimensional artistic work, such as a technical drawing, for the purposes of industrial application of any purely functional part of a useful device;

(*vi*) in clause (*y*), for the words "dramatic or", the words "dramatic, artistic or" shall the substituted;

(*vii*) after clause (*za*) and the *Explanation* thereunder, the following shall be inserted, namely:—

"(*zb*) the adaptation, reproduction, issue of copies or communication to the public of any work in any accessible format, by—

(*i*) any person to facilitate persons with disability to access to works including sharing with any person with disability of such accessible format for private or personal use, educational purpose or research; or

(*ii*) any organisation working for the benefit of the persons with disabilities in case the normal format prevents the enjoyment of such works by such persons:

Provided that the copies of the works in such accessible format are made available to the persons with disabilities on a non-profit basis but to recover only the cost of production:

Provided further that the organisation shall ensure that the copies of works in such accessible format are used only by persons with disabilities and takes reasonable steps to prevent its entry into ordinary channels of business.

Explanation.—For the purposes of this sub-clause, "any organisation" includes and organisation registered under section 12A of the Income-tax Act, 1961 and working for the benefit of persons with disability or recognised under Chapter X of the Persons with Disabilities (Equal Opportunities, Protection or Rights and full Participation) Act, 1995 or receiving grants from the government for facilitating access to persons with disabilities or an educational institution or library or archives recognised by the Government.".

43 of 1961.

1 of 1996.

(zc) the importation of copies of any literary or artistic work, such as labels, company logos or promotional or explanatory material, that is purely incidental to other goods or products being imported lawfully.".

Omission of section 52B.

33. Section 52B of the principal Act shall be omitted.

Substitution of new section for section 53.

34. For section 53 of the principal Act, the following section shall be substituted, namely:—

Importation of infringing copies.

"53. (*1*) The owner of any right conferred by this Act in respect of any work or any performance embodied in such work, or his duly authorised agent, may give notice in writing to the Commissioner of Customs, or to any other officer authorised in this behalf by the Central Board of Excise and Customs,—

(*a*) that he is the owner of the said right, with proof thereof; and

(*b*) that he requests the Commissioner for a period specified in the notice, which shall not exceed one year, to treat infringing copies of the work as prohibited goods, and that infringing copies of the work are expected to arrive in India at a time and a place specified in the notice.

(*2*) The Commissioner, after scrutiny of the evidence furnished by the owner of the right and on being satisfied may, subject to the provisions of sub-section (*3*), treat infringing copies of the work as prohibited goods that have been imported into India, excluding goods in transit:

Provided that the owner of the work deposits such amount as the Commissioner may require as security having regard to the likely expenses on demurrage, cost of storage and compensation to the importer in case it is found that the works are not infringing copies.

(*3*) When any goods treated as prohibited under sub-section (*2*) have been detained, the Customs Officer detaining them shall inform the importer as well as the person who gave notice under sub-section (*1*) of the detention of such goods within forty-eight hours of their detention.

(*4*) The Customs Officer shall release the goods, and they shall no longer be treated as prohibited goods, if the person who gave notice under sub-section (*1*) does not produce any order from a court having jurisdiction as to the temporary or permanent disposal of such goods within fourteen days from the date of their detention.".

35. In section 55 of the principal Act, in sub-section (*2*), for the portion beginning with the words "a name purporting to be" and ending with the words "as the case may be, appears", the following shall be substituted, namely:—

Amendment of section 55.

"or, subject to the provisions of sub-section (*3*) of section 13, a cinematograph film or sound recording, a name purporting to be that of the author, or the publisher, as the case may be, of that work, appears".

36. In section 57 of the principal Act,—

Amendment of section 57.

(*i*) in sub-section (*1*), in clause (*b*), the words "which is done before the expiration of the term of copyright" shall be omitted;

(*ii*) in sub-section (*2*), the words "other than the right to claim authorship of the work" shall be omitted.

37. After section 65 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 65A and 65B.

Protection of technological measures.

"65A. (*1*) Any person who circumvents an effective technological measure applied for the purpose of protecting any of the rights conferred by this Act, with the intention of infringing such rights, shall be punishable with imprisonment which may extend to two years and shall also be liable to fine.

(*2*) Nothing in sub-section (*1*) shall prevent any person from,—

(*a*) doing anything referred to therein for a purpose not expressly prohibited by this Act:

Provided that any person facilitating circumvention by another person of a technological measure for such a purpose shall maintain a complete record of such other person including his name, address and all relevant particulars necessary to identify him and the purpose for which he has been facilitated; or

(*b*) doing anything necessary to conduct encryption research using a lawfully obtained encrypted copy; or

(*c*) conducting any lawful investigation; or

(*d*) doing anything necessary for the purpose of testing the security of a computer system or a computer network with the authorisation of its owner; or

(*e*) operator; or

(*f*) doing anything necessary to circumvent technological measures intended for identification or surveillance of a user; or

(*g*) taking measures necessary in the interest of national security.

65B. Any person, who knowingly,—

Protection of Rights Management Information.

(*i*) removes or alters any rights management information without authority, or

(*ii*) distributes, imports for distribution, broadcasts or communicates to the public, without authority, copies of any work, or performance knowing that electronic rights management information has been removed or altered without authority,

shall be punishable with imprisonment which may extend to two years and shall also be liable to fine:

Provided that if the rights management information has been tampered with in any work, the owner of copyright in such work may also avail of civil remedies provided under Chapter XII against the persons indulging in such acts.".

Amendment of section 66.

38. In section 66 of the principal Act, after the words "delivered up to the owner of the copyright," the words "or may make such order as it may deem fit regarding the disposal of such copies or plates" shall be inserted.

Amendment of section 78.

39. In section 78 of the principal Act, in sub-section (*2*),—

(*i*) for clause (*a*), the following clause shall be substituted, namely:—

(*a*) the salaries and allowances payble to and the other terms and conditions of service of the chairman and other members of the Copyright Board under sub-section (*2*) of section 11;

(*ii*) after clause (*c*), the following clauses shall be inserted, namely:—

"(*cA*) the form and manner in which an organisation may apply to the Copyright Board for compulsory licence for disabled and the fee which may accompany such application under sub-section (*1*) of section 31B;

(*cB*) the manner in which a person making sound recording may give prior notice of his intention to make sound recording under sub-section (*2*) of section 31C;

(*cC*) the register and books of account and the details of existing stock which a person making sound recording may maintain under sub-section (*5*) of section 31C;

(*cD*) the manner in which prior notice may be given by a broadcasting organisation under sub-section (*2*) of section 31D;

(*cE*) the reports and accounts which may be maintained under clause (*a*), and the inspection of records and books of account which may be made under clause (*b*) of sub-section (*7*) of section 31D;";

(*iii*) after clause (*cc*), the following clauses shall be inserted, namely:—

"(*ccA*) the manner in which a copyright society may publish its Tariff Scheme under sub-section (*1*) of section 33A;

(*ccB*) the fee which is to be paid before filing an appeal to the Copyright Board under sub-section (*2*) of section 33A;";

(*ccC*) the form of application for renewal of registration of a copyright society and the fee which may accompany such application under sub-section (*3A*) of section 33;

(*iv*) clause (*db*) shall be omitted.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2013.

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक "छत्तीसगढ़/दुर्ग/09/2012-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 317-B] रायपुर, गुरुवार, दिनांक 18 जुलाई 2013—आषाढ़ 27, शक 1935

विधि और विधायी कार्य विभाग

मंत्रालय, महानदी भवन, कैपिटल काम्प्लेक्स, नया रायपुर

रायपुर, दिनांक 19 जुलाई 2013

क्र. 6160/डी. 158/21-अ/प्रा./छ.ग./13.—भारत सरकार, विधि और न्याय मंत्रालय के पत्र क्र. F. 1 (38)/11-L.I./ नई दिल्ली, दिनांक 03-05-2013 के अनुसरण में दी नेशनल इन्स्टीट्यूट्स ऑफ टेक्नालॉजी (अमेंडमेंट) एक्ट, 2012 (नं. 28 ऑफ 2012) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सुषमा सावंत, अतिरिक्त सचिव.

THE NATIONAL INSTITUTES OF TECHNOLOGY (AMENDMENT) ACT, 2012

An Act

to amend the National Institutes of Technology Act, 2007.

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the National Institutes of Technology (Amendment) Act, 2012.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of long title.

29 of 2007.

2. In the National Institutes of Technology Act, 2007 (hereinafter referred to as the principal Act), in the long title, for the words "certain institutions of technology", the words "certain institutions of technology, science education and research" shall be substituted.

Amendment of section 1.

3. In section 1 of the principal Act, in sub-section (*1*), for the words "National Institutes of Technology", the words "National Institutes of Technology, Science Education and Research" shall be substituted.

Amendment of section 2.

4. In section 2 of the principal Act, for the words "the Schedule", the words "the First Schedule and the Second Schedule" shall be substituted.

Amendment of section 3.

5. In section 3 of the principal Act,—

(*i*) in clause (*c*), for the words "the Schedule" at both the places where they occur, the words "the First Schedule and the Second Schedule" shall be substituted;

(*ii*) in clause (*d*), after the word and figures "section 30", the words, brackets, figures and letter "or sub-section (*1*) of section 30A, as the case may be," shall be inserted;

(*iii*) in clause (*g*), for the words "the Schedule", the words "the First Schedule and the Second Schedule" shall be substituted;

(*iv*) in clause (*k*), for the words "the Schedule", the words "the First Schedule and the Second Schedule" shall be substituted;

(*v*) in clause (*m*), for the words "the Schedule", the words "the First Schedule and the Second Schedule" shall be substituted.

Amendment of section 4.

6. In section 4 of the principal Act, in sub-section (*1*), for the words, "the Schedule" the words "the First Schedule and the Second Schedule" shall be substituted.

Amendment of section 6.

7. In section 6 of the principal Act, in sub-section (*1*), in clause (*h*), the words "and the Deputy Director" shall be omitted.

Amendment of section 11.

8. In section 11 of the principal Act,—

(*i*) for the word "Institute" wherever it occurs, the words "Institute mentioned in the First Schedule" shall be substituted;

(*ii*) in clause (*e*), the word "and" occurring at the end shall be omitted;

(*iii*) after clause (*f*), the following clause shall be inserted, namely:—

"(*g*) the Director of the Indian Institute of Technology in whose zone the Institute is located, or his nominee, not below the rank of a Professor.".

Insertion of new section 11A.

9. After section 11 of the principal Act, the following section shall be inserted, namely:—

Board of Institutes of Second Schedule.

"11A. The Board of every Institute mentioned in the Second Schedule shall consist of the following members, namely:—

(*a*) the Chairperson to be nominated by the Visitor;

(*b*) Secretary, Department of Higher Education, Government of India, or his nominee not below the rank of the Joint Secretary to the Government of India, *ex officio;*

(*c*) Director of the Institute, *ex officio;*

(*d*) Director of Indian Institute of Science, Bangalore, *ex officio;*

(e) Director of one of the Indian Institutes of Technology, to be nominated by the Central Government;

(*f*) two Secretaries to the Government of India, to be nominated by the Central Government representing its Scientific or Industrial Ministries;

(*g*) Chief Secretary of the State in which the Institute is located, or his nominee not below the rank of the Joint Secretary to the Government of India, *ex officio;*

(*h*) two professors of the Institute to be nominated by the Senate;

(*i*) two eminent scientists, to be nominated by the Council, having special knowledge or practical experience in respect of education, engineering or science, one of whom shall be a woman; and

(*j*) Financial Advisor, Ministry of Human Resource Development, *ex officio.* ".

10. In section 12 of the principal Act,— Amendment of section 12.

(*i*) in clause (*c*), after the figures "11", the words, brackets, letters and figures "and clause (*h*) of section 11A" shall be inserted;

(*ii*) in clause (*d*), after the word and figures "section 11", the words, figures and letter "or section 11A, as the case may be," shall be inserted;

(*iii*) in clause (*f*), after the figures "11", the words, brackets, letters and figures "and clauses (*c*) and (*h*) of section 11A" shall be inserted.

11. In section 17 of the principal Act,— Amendment of section 17.

(*a*) in sub-section (*1*), the words "and Deputy Director" shall be omitted;

(*b*) for sub-section (*5*), the following sub-section shall be substituted, namely:—

"(*5*) The Deputy Director of every Institute shall be appointed in such manner and on such terms and conditions as may be laid down by the Statutes and shall exercise such powers and perform such duties as may be assigned to him by this Act or the Statutes or by the Director.".

12. In section 24 of the principal Act, the words "and Deputy Director" shall omitted. Amendment of section 24.

13. In section 30 of the principal Act, in sub-section (*1*), for the word "Schedule", the words "First Schedule" shall be substituted. Amendment of section 30.

14. After section 30 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 30A.

"30A. (*1*) With effect from such date as the Central Government may, by notification, specify in this behalf, there shall be established for all the Institutes specified in column 3 of the Second Schedule, a central body to be called the Council. Establishment of Council for the Institutes of Second Schedule.

(*2*) The Council under sub-section (*1*) shall consist of the following members, namely:—

(*a*) the Minister in charge of the Ministry or Department of the Central Government having administrative control of the technical education, *ex officio*, Chairman;

(*b*) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of the technical education, *ex officio*, Vice-Chairman;

(*c*) the Chairperson of every Board of the Institutes mentioned in the Second Schedule, *ex officio;*

(*d*) the Director of every Institute mentioned in the Second Schedule, *ex officio;*

(*e*) the Chairman, University Grants Commission, *ex officio;*

(*f*) the Director-General, Council of Scientific and Industrial Research, *ex officio;*

(*g*) four Secretaries to the Government of India to represent the Ministries or Departments of the Central Government dealing with bio-technology, atomic energy, information technology and space, *ex officio;*

(*h*) the Chairman, Defence Research and Development Organisation, *ex officio;*

(*i*) not less than three, but not more than five persons to be nominated by the Visitor, at least one of whom shall be a woman, having special knowledge or practical experience in respect of education, industry, science or technology;

(*j*) three members of Parliament, of whom two shall be chosen by the House of the People and one by the Council of States:

Provided that the office of member of the Council shall not disqualify its holder for being chosen as or for being, a member of either House of Parliament;

(*k*) two Secretaries to the State Government, from amongst the Ministries or Departments of that Government dealing with technical education where the Institute is located, *ex officio*;

(*l*) Financial Adviser, dealing with the Human Resource Development Ministry or Departments of that Government dealing with technical education where the Institute is located, *ex officio*; and

(*m*) one officer not below the rank of the Joint Secretary to the Government of India in the Ministry or Department of the Central Government having administrative control of the scientific or technical education, *ex officio*, Member-Secretary.".

Amendment of section 31.

15. In section 31 of the principal Act, in sub-section (*2*), after the word and figures "section 30", the words, brackets, letters and figures "and clause (*j*) of sub-section (*2*) of section 30A" shall be inserted.

Amendment of section 37.

16. In section 37 of the principal Act,—

(*i*) in clause (*a*), after the words "every Institute", the words "mentioned in the First Schedule" shall be inserted;

(*ii*) after clause (*b*), the following clauses shall be inserted, namely:—

"(*c*) recruitment process and disciplinary proceedings, which had commenced before the commencement of the National Institutes of Technology (Amendment) Act, 2012, shall be completed, *mutatis mutandis*, in accordance with the relevant provisions in force immediately before such commencement.

Explanation.– Recruitment process for a post may be taken to have commenced from the date of publication of the advertisement inviting application for the post, and disciplinary proceedings against an employee of the Institute may be taken to have commenced on the date of issue of charge sheet for major penalty or show cause notice for minor penalty to such employee;

(*d*) all matters, which are meant to be provided through Statutes and Ordinances under sections 25 and 27, respectively, shall, till such Statutes and Ordinances are made, be governed, *mutatis mutandis*, by the corresponding provisions in force immediately before the commencement of this Act.".

Transitional provisions in respect of Institutes of Second Schedule.

17. Notwithstanding anything contained in this Act—

(*a*) the Board of every Institute specified in the Second Schedule functioning as such immediately before the commencement of this Act shall continue to so function until a new Board is constituted for that Institute under this Act, but on the constitution of a new Board under this Act, members of the Board holding office before such constitution shall cease to hold office;

(*b*) every Senate constituted in relation to every Institute before the commencement of this Act shall be deemed to be the Senate constituted under this Act unless a Senate is constituted under this Act for that Institute but on the constitution of new Senate under this Act, members of the Senate holding office before such constitution shall cease to hold office.

Power to remove difficulties.

18. (*1*) If any difficulty arises in giving effect to the provisions of the National Institutes of Technology (Amendment) Act, 2012, the Central Government may, by

order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(*2*) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Amendment of Schedule.

19. (*1*) The Schedule to the principal Act shall be numbered as the First Schedule and in the First Schedule as so numbered, after Sl. No. 20 and the entries relating thereto, the following shall be inserted, namely:—

"21.	National Institute of Technology, Goa, Society	National Institute of Technology, Goa.
22.	National Institute of Technology, Puducherry Society	National Institute of Technology, Puducherry.
23.	National Institute of Technology, Delhi Society	National Institute of Technology, Delhi
24.	National Institute of Technology, Sumari (Srinagar), Uttarakhand Society	National Institute of Technology, Uttarakhand.
25.	National Institute of Technology, Sohra (Meghalaya) Society	National Institute of Technology, Meghalaya
26.	National Institute of Technology, Mizoram Society	National Institute of Technology, Mizoram
27.	National Institute of Technology, Manipur Society	National Institute of Technology, Manipur.
28.	National Institute of Technology, Nagaland Society	National Institute of Technology, Nagaland
29.	National Institute of Technology, Arunachal Pradesh Society	National Institute of Technology, Arunachal Pradesh
30.	National Institute of Technology, Sikkim	National Institute of Technology, Sikkim.".

(*2*) After the First Schedule as so numbered, the following Schedule shall be inserted, namely:—

"THE SECOND SCHEDULE

[*See* sections 3(*g*), (*m*), 4(*1*) and 11A]

LIST OF INDIAN INSTITUTES OF SCIENCE EDUCATION RESEARCH

Sl. No.	Society	Corresponding Institute
1	2	3
1.	Indian Institute of Science Education and Research, Kolkata Society	Indian Institute of Science Education and Research, Kolkata.
2.	Indian Institute of Science Education and Research, Pune Society	Indian Institute of Science Education and Research, Pune
3.	Indian Institute of Science Education and Research, Mohali Society	Indian Institute of Science Education and Research, Mohali.
4.	Indian Institute of Science Education and Research, Bhopal Society	Indian Institute of Science Education and Research, Bhopal
5.	Indian Institute of Science Education and Research, Thiruvananthapuram Society	Indian Institute of Science Education and Research, Thiruvananthapuram.".

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2013.

A

BILL

to amend the National Institutes of Technology Act, 2007.

(As passed by the Houses of Parliament)

GMGIPMRND—1538LS—14-06-2012.

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2012-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 317-C] रायपुर, गुरुवार, दिनांक 18 जुलाई 2013—आषाढ़ 27, शक 1935

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, कैपिटल काम्प्लेक्स, नया रायपुर

रायपुर, दिनांक 19 जुलाई 2013

क्र. 6160/डी. 158/21-अ/प्रा./छ.ग./13.—भारत सरकार, विधि और न्याय मंत्रालय के पत्र क्र. F. 1 (38)/11-L.I./ नई दिल्ली, दिनांक 03-05-2013 के अनुसरण में दी आनन्द मैरिज (अमेंडमेंट) एक्ट, 2012 (नं. 29 ऑफ 2012) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सुषमा सावंत, अतिरिक्त सचिव.

THE ANAND MARRIAGE (AMENDMENT) ACT, 2012

An Act

further to amend the Anand Marriage Act, 1909.

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Anand Marriage (Amendment) Act, 2012.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

7 of 1909.

2. In section 2 of the Anand Marriage Act, 1909 (hereinafter referred to as the principal Act), after the words "the Sikh Marriage ceremony called Anand", the words "(commonly known as Anand Karaj)" shall be inserted.

Insertion of new section 6.

3. After section 5 of the principal Act, the following section shall be inserted, namely:—

Registration of marriages.

25 of 1955.

"6. (*1*) For the purposes of facilitation of proof of marriage ceremony (commonly known as Anand Karaj) customary among the Sikhs, the State Government shall, without prejudice to anything contained in the Hindu Marriage Act, 1955 or any other law for the time being in force, make rules providing that the parties to any such marriage [whether solemnized before or after the commencement of the Anand Marriage

(Amendment) Act, 2012], may have the particulars relating to their marriage entered, in such manner and subject to such conditions as may be provided in the said rules, in a Marriage Register kept by such officer of the State Government or of a local authority authorised by the State Government, by notification in the Official Gazette, in this behalf.

(*2*) The Marriage Register shall, at all reasonable times, be open for inspection, and shall be admissible as evidence of the statements contained therein and certified extracts therefrom shall, on an application, be given by the Registrar to the parties to the marriage on payment of such fees as may be provided in the rules.

(*3*) Notwithstanding anything contained in this section, the validity of any Anand Marriage solemnized shall in no way be affected by the omission to make an entry in the Marriage Register.

(*4*) Every rule made by the State Government under this section shall be laid before the State Legislature, as soon as may be, after they are made.

(*5*) The parties to the marriage, whose marriage has been registered under this Act, shall not be required to get their marriage registered under any other law for the time being in force (including State Act).".

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2013.

फायनल 24-9-13

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2012-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 317-D] रायपुर, गुरुवार, दिनांक 18 जुलाई 2013—आषाढ़ 27, शक 1935

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, कैपिटल काम्प्लेक्स, नया रायपुर

रायपुर, दिनांक 19 जुलाई 2013

क्र. 6160/डी. 158/21-अ/प्रा./छ.ग./13.—भारत सरकार, विधि और न्याय मंत्रालय के पत्र क्र. F. 1 (38)/11-L.I./ नई दिल्ली, दिनांक 03-05-2013 के अनुसरण में दी राईट आफ चिल्ड्रन टू फ्री एन्ड कम्पलसरी एजुकेशन (अमेंडमेंट) एक्ट, 2012 (नं. 30 ऑफ 2012) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सुषमा सावंत, अतिरिक्त सचिव.

THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION (AMENDMENT) ACT, 2012

An Act

to amend the Right of Children to Free and Compulsory Education Act, 2009.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2012.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

35 of 2009.

Amendment of section 1.

2. In the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the principal Act), in section 1, after sub-section (*3*), the following sub-sections shall be inserted, namely:—

"(*4*) Subject to the provisions of articles 29 and 30 of the Constitution, the provisions of this Act shall apply to conferment of rights on children to free and compulsory education.

(*5*) Nothing contained in this Act shall apply to Madrasas, Vedic Pathsalas and educational institutions primarily imparting religious instruction.".

Amendment of section 2.

3. In the principal Act, in section 2,—

(*a*) in clause (*d*), after the word "means", the words "a child with disability or" shall be inserted;

(*b*) after clause (*e*), the following clause shall be inserted, namely:—

'(*ee*) "child with disability" includes,—

(*A*) a child with "disability" as defined in clause (*i*) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995; — 1 of 1996.

(*B*) a child, being a person with disability as defined in clause (*j*) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999; — 44 of 1999.

(*C*) a child with "severe disability" as defined in clause (*o*) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999. — 44 of 1999.

Amendment of section 3.

4. In section 3 of the principal Act,—

(*a*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

(*1*) Every child of the age of six to fourteen years, including a child referred to in clause (*d*) or clause (*e*) of section 2, shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education.

(*b*) in sub-section (*2*), the proviso shall be omitted;

(*c*) after sub-section (*2*), the following sub-section shall be inserted, namely:—

'(*3*) A child with disability referred to in sub-clause (*A*) of clause (*ee*) of section 2 shall, without prejudice to the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, and a child referred to in sub-clauses (*B*) and (*C*) of clause (*ee*) of section 2, have the same rights to pursue free and compulsory elementary education which children with disabilities have under the provisions of Chapter V of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 : — 1 of 1996.

Provided that a child with "multiple disabilities" referred to in clause (*h*) and a child with "severe disability" referred to in clause (*o*) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 may also have the right to opt for home-based education.'. — 44 of 1999.

Amendment of section 21.

5. In section 21 of the principal Act, in sub-section (*2*), the following proviso shall be inserted, namely:—

"Provided that the School Management Committee constituted under sub-section (*1*) in respect of,—

(*a*) a school established and administered by minority whether based on religion or language; and

(*b*) all other aided schools as defined in sub-section (*ii*) of clause (*n*) of section 2,

shall perform advisory function only.".

Amendment of section 22.

6. In section 22 of the principal Act, in sub-section (*1*), for the words "School Management Committee, constituted", the words "School Management Committee, except the School Management Committee in respect of a school established and administered by minority, whether based on religion or language and an aided school as defined in sub-clause (*ii*) of clause (*n*) of section 2, constituted" shall be substituted.

7. In section 25 of the principal Act, in sub-section (*1*), for the words "Within six months", the words "Within three years" shall be substituted.

Amendment of section 25.

8. After section 38 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 39.

Power of Central Government to remove difficulties.

"39. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of three years from the commencement of the Right of Children to Free and Compulsory Education (Amendment) Act, 2012.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.".

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2013.

A

BILL

to amend the Right of Children to Free and Compulsory Education Act, 2009.

(As passed by the Houses of Parliament)

GMGIPMRND—1617LS(S3)—22-06-2012.

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2012-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 317-E] रायपुर, गुरुवार, दिनांक 18 जुलाई 2013—आषाढ़ 27, शक 1935

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, कैपिटल काम्प्लेक्स, नया रायपुर

रायपुर, दिनांक 19 जुलाई 2013

क्र. 6160/डी. 158/21-अ/प्रा./छ.ग./13.—भारत सरकार, विधि और न्याय मंत्रालय के पत्र क्र. F. 1 (38)/11-L.I./ नई दिल्ली, दिनांक 03-05-2013 के अनुसरण में दी सेन्ट्रल एजुकेशनल इन्स्टीट्यूशन्स (रिजर्वेशन इन एडमीशन) अमेंडमेंट एक्ट, 2012 (नं. 31 ऑफ 2012) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सुषमा सावंत, अतिरिक्त सचिव.

THE CENTRAL EDUCATIONAL INSTITUTIONS (RESERVATION IN ADMISSION) AMENDMENT ACT, 2012

An Act

to amend the Central Educational Institutions (Reservation in Admission) Act, 2006.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Central Educational Institutions (Reservation in Admission) Amendment Act, 2012.

5 of 2007.

Amendment of section 2.

2. In section 2 of the Central Educational Institutions (Reservation in Admission) Act, 2006 (hereinafter referred to as the principal Act), after clause (*i*), the following clauses shall be inserted, namely:—

'(*ia*) "specified north-eastern region" means the area comprising of the States of Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura and the tribal areas of Assam referred to in the Sixth Schedule to the Constitution;

(*ib*) "State seats", in relation to a Central Educational Institution, means such seats, if any, out of the annual permitted strength in each branch of study or faculty as

वाचन हेतु 10-10-13

are earmarked to be filled from amongst the eligible students of the State in which such institution is situated;'.

Amendment of section 3.

3. In section 3 of the principal Act, the following provisos shall be inserted, namely:—

"Provided that the State seats, if any, in a Central Educational Institution situated in the tribal areas referred to in the Sixth Schedule to the Constitution shall be governed by such reservation policy for the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes, as may be specified, by notification in the Official Gazette, by the Government of the State where such institution is situated:

Provided further that if there are no State seats in a Central Educational Institution and the seats reserved for the Scheduled Castes exceed the percentage specified under clause (*i*) or the seats reserved for the Scheduled Tribes exceed the percentage specified under clause (*ii*) or the seats reserved for the Scheduled Castes and the Scheduled Tribes taken together exceed the sum of percentages specified under clauses (*i*) and (*ii*), but such seats are—

(*a*) less than fifty per cent. of the annual permitted strength on the date immediately preceding the date of commencement of this Act, the total percentage of the seats required to be reserved for the Other Backward Classes under clause (*iii*) shall be restricted to the extent such sum of percentages specified under clauses (*i*) and (*ii*) falls short of fifty per cent. of the annual permitted strength;

(*b*) more than fifty per cent. of the annual permitted strength on the date immediately preceding the date of commencement of this Act, in that case no seat shall be reserved for the Other Backward Classes under clause (*iii*) but the extent of the reservation of seats for the Scheduled Castes and the Scheduled Tribes shall not be reduced in respect of Central Educational Institutions in the specified north-eastern region.".

Amendment of section 4.

4. In section 4 of the principal Act, clause (*a*) shall be omitted.

Amendment of section 5.

5. In section 5 of the principal Act,—

(*a*) in sub-section (*1*), for the words "number of such seats available", the words "number of such seats available or actually filled, whichever be less," shall be substituted;

(*b*) in sub-section (*2*), for the words "three years", the words "six years" shall be substituted.

Amendment of section 6.

6. In section 6 of the principal Act, for the figures "2007", the figures "2008" shall be substituted.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2013.

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2012-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 317-F] रायपुर, गुरुवार, दिनांक 18 जुलाई 2013—आषाढ़ 27, शक 1935

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, कैपिटल काम्प्लेक्स, नया रायपुर

रायपुर, दिनांक 19 जुलाई 2013

क्र. 6160/डी. 158/21-अ/प्रा./छ.ग./13.—भारत सरकार, विधि और न्याय मंत्रालय के पत्र क्र. F. 1 (38)/11-L.I./ नई दिल्ली, दिनांक 03-05-2013 के अनुसरण में दी प्रोटेक्शन आफ चिल्ड्रन फ्राम सेक्शुअल आफेन्सेस एक्ट, 2012 (नं. 32 ऑफ 2012) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सुषमा सावंत, अतिरिक्त सचिव.

THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

B.—Aggravated penetrative sexual assualt and punishment therefor

C.— Sexual assault and punishment therefor

D.— Aggravated sexual assault and punishment therefor

E.— Sexual harassment and punishment therefor

CHAPTER III

Using child for pornographic purposes and punishment therefor

CHAPTER IV

Abetment of and attempt to commit an offence

CHAPTER V

Procedure for reporting of cases

CHAPTER VI

Procedures for recording statement of the child

CHAPTER VII

Special Courts

CHAPTER VIII

PROCEDURE AND POWERS OF SPECIAL COURTS AND RECORDING EVIDENCE

CHAPTER IX

MISCELLANEOUS

THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

An Act

to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto.

WHEREAS clause (3) of article 15 of the Constitution, *inter alia,* empowers the State to make special provisions for children;

AND WHEREAS, the Government of India has acceded on the 11th December, 1992 to the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations, which has prescribed a set of standards to be followed by all State parties in securing the best interests of the child;

AND WHEREAS it is necessary for the proper development of the child that his or her right to privacy and confidentiality be protected and respected by every person by all means and through all stages of a judicial process involving the child;

AND WHEREAS it is imperative that the law operates in a manner that the best interest and well being of the child are regarded as being of paramount importance at every stage, to ensure the healthy physical, emotional, intellectual and social development of the child;

AND WHEREAS the State parties to the Convention on the Rights of the Child are required to undertake all appropriate national, bilateral and multilateral measures to prevent—

(*a*) the inducement or coercion of a child to engage in any unlawful sexual activity;

(*b*) the exploitative use of children in prostitution or other unlawful sexual practices;

(*c*) the exploitative use of children in pornographic performances and materials;

AND WHEREAS sexual exploitation and sexual abuse of children are heinous crimes and need to be effectively addressed.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Protection of Children from Sexual Offences Act, 2012.

(*2*) It extends to the whole of India, except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. (*1*) In this Act, unless the context otherwise requires, —

(*a*) "aggravated penetrative sexual assault" has the same meaning as assigned to it in section 5;

(*b*) "aggravated sexual assault" has the same meaning as assigned to it in section 9;

(*c*) "armed forces or security forces" means armed forces of the Union or security forces or police forces, as specified in the Schedule;

(*d*) "child" means any person below the age of eighteen years;

(*e*) "domestic relationship" shall have the same meaning as assigned to it in clause (*f*) of section 2 of the Protection of Women from Domestic Violence Act, 2005; 43 of 2005.

(*f*) "penetrative sexual assault" has the same meaning as assigned to it in section 3;

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) "religious institution" shall have the same meaning as assigned to it in the Religious Institutions (Prevention of Misuse) Act, 1988; 41 of 1988.

(*i*) "sexual assault" has the same meaning as assigned to it in section 7;

(*j*) "sexual harassment" has the same meaning as assigned to it in section 11;

(*k*) "shared household" means a household where the person charged with the offence lives or has lived at any time in a domestic relationship with the child;

(*l*) "Special Court" means a court designated as such under section 28;

(*m*) "Special Public Prosecutor" means a Public Prosecutor appointed under section 32.

(*2*) The words and expressions used herein and not defined but defined in the Indian Penal Code, the Code of Criminal Procedure, 1973, the Juvenile Justice (Care and Protection of Children) Act, 2000 and the Information Technology Act, 2000 shall have the meanings respectively assigned to them in the said Codes or the Acts.

45 of 1860.
2 of 1974.
56 of 2000.
21 of 2000.

CHAPTER II

SEXUAL OFFENCES AGAINST CHILDREN

A.—PENETRATIVE SEXUAL ASSAULT AND PUNISHMENT THEREFOR

Penetrative sexual assault.

3. A person is said to commit "penetrative sexual assault" if—

(*a*) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or

(*b*) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or

(*c*) he manipulates any part of the body of the child so as to cause penetration into the vagina, urethra, anus or any part of body of the child or makes the child to do so with him or any other person; or

(*d*) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person.

Punishment for penetrative sexual assault.

4. Whoever commits penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may extend to imprisonment for life, and shall also be liable to fine.

B.—AGGRAVATED PENETRATIVE SEXUAL ASSAULT AND PUNISHMENT THEREFOR

Aggravated penetrative sexual assault.

5. (*a*) Whoever, being a police officer, commits penetrative sexual assault on a child —

(*i*) within the limits of the police station or premises at which he is appointed; or

(*ii*) in the premises of any station house, whether or not situated in the police station, to which he is appointed; or

(*iii*) in the course of his duties or otherwise; or

(*iv*) where he is known as, or identified as, a police officer; or

(*b*) whoever being a member of the armed forces or security forces commits penetrative sexual assault on a child—

(*i*) within the limits of the area to which the person is deployed; or

(*ii*) in any areas under the command of the forces or armed forces; or

(*iii*) in the course of his duties or otherwise; or

(*iv*) where the said person is known or identified as a member of the security or armed forces; or

(*c*) whoever being a public servant commits penetrative sexual assault on a child; or

(*d*) whoever being on the management or on the staff of a jail, remand home, protection home, observation home, or other place of custody or care and protection established by or under any law for the time being in force, commits penetrative sexual assault on a child, being inmate of such jail, remand home, protection home, observation home, or other place of custody or care and protection; or

(*e*) whoever being on the management or staff of a hospital, whether Government or private, commits penetrative sexual assault on a child in that hospital; or

(*f*) whoever being on the management or staff of an educational institution or religious institution, commits penetrative sexual assault on a child in that institution; or

(*g*) whoever commits gang penetrative sexual assault on a child.

Explanation.—when a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang penetrative sexual assault within the meaning of this clause and each of such person shall be liable for that act in the same manner as if it were done by him alone; or

(*h*) whoever commits penetrative sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance; or

(*i*) whoever commits penetrative sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child; or

(*j*) whoever commits penetrative sexual assault on a child, which—

(*i*) physically incapacitates the child or causes the child to become mentally ill as defined under clause (*l*) of section 2 of the Mental Health Act, 1987 or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or

14 of 1987.

(*ii*) in the case of female child, makes the child pregnant as a consequence of sexual assault;

(*iii*) inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, or mentally ill to perform regular tasks; or

(*k*) whoever, taking advantage of a child's mental or physical disability, commits penetrative sexual assault on the child; or

(*l*) whoever commits penetrative sexual assault on the child more than once or repeatedly; or

(*m*) whoever commits penetrative sexual assault on a child below twelve years; or

(*n*) whoever being a relative of the child through blood or adoption or marriage or guardianship or in foster care or having a domestic relationship with a parent of the child or who is living in the same or shared household with the child, commits penetrative sexual assault on such child; or

(*o*) whoever being, in the ownership, or management, or staff, of any institution providing services to the child, commits penetrative sexual assault on the child; or

(*p*) whoever being in a position of trust or authority of a child commits penetrative sexual assault on the child in an institution or home of the child or anywhere else; or

(*q*) whoever commits penetrative sexual assault on a child knowing the child is pregnant; or

(*r*) whoever commits penetrative sexual assault on a child and attempts to murder the child; or

(*s*) whoever commits penetrative sexual assault on a child in the course of communal or sectarian violence; or

(*t*) whoever commits penetrative sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force; or

(*u*) whoever commits penetrative sexual assault on a child and makes the child to strip or parade naked in public,

is said to commit aggravated penetrative sexual assault.

Punishment for aggravated penetrative sexual assault.

6. Whoever, commits aggravated penetrative sexual assault, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.

C.—SEXUAL ASSAULT AND PUNISHMENT THEREFOR

Sexual assault.

7. Whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault.

8. Whoever, commits sexual assault, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to five years, and shall also be liable to fine.

Punishment for sexual assault.

D.—AGGRAVATED SEXUAL ASSAULT AND PUNISHMENT THEREFOR

9. (*a*) Whoever, being a police officer, commits sexual assault on a child—

Aggravated sexual assault.

(*i*) within the limits of the police station or premises where he is appointed; or

(*ii*) in the premises of any station house whether or not situated in the police station to which he is appointed; or

(*iii*) in the course of his duties or otherwise; or

(*iv*) where he is known as, or identified as a police officer; or

(*b*) whoever, being a member of the armed forces or security forces, commits sexual assault on a child—

(*i*) within the limits of the area to which the person is deployed; or

(*ii*) in any areas under the command of the security or armed forces; or

(*iii*) in the course of his duties or otherwise; or

(*iv*) where he is known or identified as a member of the security or armed forces; or

(*c*) whoever being a public servant commits sexual assault on a child; or

(*d*) whoever being on the management or on the staff of a jail, or remand home or protection home or observation home, or other place of custody or care and protection established by or under any law for the time being in force commits sexual assault on a child being inmate of such jail or remand home or protection home or observation home or other place of custody or care and protection; or

(*e*) whoever being on the management or staff of a hospital, whether Government or private, commits sexual assault on a child in that hospital; or

(*f*) whoever being on the management or staff of an educational institution or religious institution, commits sexual assault on a child in that institution; or

(*g*) whoever commits gang sexual assault on a child.

Explanation.—when a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang sexual assault within the meaning of this clause and each of such person shall be liable for that act in the same manner as if it were done by him alone; or

(*h*) whoever commits sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance; or

(*i*) whoever commits sexual assault causing grievous hurt or causing bodily harm and injury or injury to the sexual organs of the child; or

(*j*) whoever commits sexual assault on a child, which—

14 of 1987.

(*i*) physically incapacitates the child or causes the child to become mentally ill as defined under clause (*l*) of section 2 of the Mental Health Act, 1987 or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or

(*ii*) inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, or mentally ill to perform regular tasks; or

(*k*) whoever, taking advantage of a child's mental or physical disability, commits sexual assault on the child; or

(*l*) whoever commits sexual assault on the child more than once or repeatedly; or

(*m*) whoever commits sexual assault on a child below twelve years; or

(*n*) whoever, being a relative of the child through blood or adoption or marriage or guardianship or in foster care, or having domestic relationship with a parent of the child, or who is living in the same or shared household with the child, commits sexual assault on such child; or

(*o*) whoever, being in the ownership or management or staff, of any institution providing services to the child, commits sexual assault on the child in such institution; or

(*p*) whoever, being in a position of trust or authority of a child, commits sexual assault on the child in an institution or home of the child or anywhere else; or

(*q*) whoever commits sexual assault on a child knowing the child is pregnant; or

(*r*) whoever commits sexual assault on a child and attempts to murder the child; or

(*s*) whoever commits sexual assault on a child in the course of communal or sectarian violance; or

(*t*) whoever commits sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force; or

(*u*) whoever commits sexual assault on a child and makes the child to strip or parade naked in public,

is said to commit aggravated sexual assault.

Punishment for aggravated sexual assault.

10. Whoever, commits aggravated sexual assault shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.

E.—SEXUAL HARASSMENT AND PUNISHMENT THEREFOR

Sexual harassment.

11. A person is said to commit sexual harassment upon a child when such person with sexual intent,—

(*i*) utters any word or makes any sound, or makes any gesture or exhibits any object or part of body with the intention that such word or sound shall be heard, or such gesture or object or part of body shall be seen by the child; or

(*ii*) makes a child exhibit his body or any part of his body so as it is seen by such person or any other person; or

(*iii*) shows any object to a child in any form or media for pornographic purposes; or

(*iv*) repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means; or

(*v*) threatens to use, in any form of media, a real or fabricated depiction through electronic, film or digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual act; or

(*vi*) entices a child for pornographic purposes or gives gratification therefor.

Explanation.—Any question which involves "sexual intent" shall be a question of fact.

Punishment for sexual harassment.

12. Whoever, commits sexual harassment upon a child shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

CHAPTER III

USING CHILD FOR PORNOGRAPHIC PURPOSES AND PUNISHMENT THEREFOR

Use of child for pornographic purposes.

13. Whoever, uses a child in any form of media (including programme or advertisement telecast by television channels or internet or any other electronic form or printed form, whether or not such programme or advertisement is intended for personal use or for distribution), for the purposes of sexual gratification, which includes—

(*a*) representation of the sexual organs of a child;

(*b*) usage of a child engaged in real or simulated sexual acts (with or without penetration);

(*c*) the indecent or obscene representation of a child,

shall be guilty of the offence of using a child for pornographic purposes.

Explanation.—For the purposes of this section, the expression "use a child" shall include involving a child through any medium like print, electronic, computer or any other technology for preparation, production, offering, transmitting, publishing, facilitation and distribution of the pornographic material.

Punishment for using child for pornographic purposes.

14. (*1*) Whoever, uses a child or children for pornographic purposes shall be punished with imprisonment of either description which may extend to five years and shall also be liable to fine and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also be liable to fine.

(*2*) If the person using the child for pornographic purposes commits an offence referred to in section 3, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

(*3*) If the person using the child for pornographic purposes commits an offence referred to in section 5, by directly participating in pornographic acts, he shall be punished with rigorous imprisonment for life and shall also be liable to fine.

(*4*) If the person using the child for pornographic purposes commits an offence referred to in section 7, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than six years but which may extend to eight years, and shall also be liable to fine.

(*5*) If the person using the child for pornographic purposes commits an offence referred to in section 9, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than eight years but which may extend to ten years, and shall also be liable to fine.

Punishment for storage of pornographic material involving child.

15. Any person, who stores, for commercial purposes any pornographic material in any form involving a child shall be punished with imprisonment of either description which may extend to three years or with fine or with both.

CHAPTER IV

ABETMENT OF AND ATTEMPT TO COMMIT AN OFFENCE

Abetment of an offence.

16. A person abets an offence, who—

First.— Instigates any person to do that offence; or

Secondly.— Engages with one or more other person or persons in any conspiracy for the doing of that offence, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that offence; or

Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that offence.

Explanation I.— A person who, by wilful misrepresentation, or by wilful concealment of a material fact, which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure a thing to be done, is said to instigate the doing of that offence.

Explanation II.—Whoever, either prior to or at the time of commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

Explanation III.—Whoever employ, harbours, receives or transports a child, by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position, vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of any offence under this Act, is said to aid the doing of that act.

Punishment for abetment.

17. Whoever abets any offence under this Act, if the act abetted is committed in consequence of the abetment, shall be punished with punishment provided for that offence.

Explanation.—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy or with the aid, which constitutes the abetment.

Punishment for attempt to commit an offence.

18. Whoever attempts to commit any offence punishable under this Act or to cause such an offence to be committed, and in such attempt, does any act towards the commission of the offence, shall be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case

may be, one-half of the longest term of imprisonment provided for that offence or with fine or with both.

CHAPTER V

PROCEDURE FOR REPORTING OF CASES

Reporting of offences.

19. (*1*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any person (including the child), who has apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed, he shall provide such information to,—

2 of 1974.

(*a*) the Special Juvenile Police Unit; or

(*b*) the local police.

(*2*) Every report given under sub-section (*1*) shall be—

(*a*) ascribed an entry number and recorded in writing;

(*b*) be read over to the informant;

(*c*) shall be entered in a book to be kept by the Police Unit.

(*3*) Where the report under sub-section (*1*) is given by a child, the same shall be recorded under sub-section (*2*) in a simple language so that the child understands contents being recorded.

(*4*) In case contents are being recorded in the language not understood by the child or wherever it is deemed necessary, a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, shall be provided to the child if he fails to understand the same.

(*5*) Where the Special Juvenile Police Unit or local police is satisfied that the child against whom an offence has been committed is in need of care and protection, then, it shall, after recording the reasons in writing, make immediate arrangement to give him such care and protection (including admitting the child into shelter home or to the nearest hospital) within twenty-four hours of the report, as may be prescribed.

(*6*) The Special Juvenile Police Unit or local police shall, without unnecessary delay but within a period of twenty-four hours, report the matter to the Child Welfare Committee and the Special Court or where no Special Court has been designated, to the Court of Session, including need of the child for care and protection and steps taken in this regard.

(*7*) No person shall incur any liability, whether civil or criminal, for giving the information in good faith for the purpose of sub-section (*1*).

Obligation of media, studio and photographic facilities to report cases.

20. Any personnel of the media or hotel or lodge or hospital or club or studio or photographic facilities, by whatever name called, irrespective of the number of persons employed therein, shall, on coming across any material or object which is sexually exploitative of the child (including pornographic, sexually-related or making obscene representation of a child or children) through the use of any medium, shall provide such information to the Special Juvenile Police Unit, or to the local police, as the case may be.

Punishment for failure to report or record a case.

21. (*1*) Any person, who fails to report the commission of an offence under sub-section (*1*) of section 19 or section 20 or who fails to record such offence under sub-section (*2*) of section 19 shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

(*2*) Any person, being in-charge of any company or an institution (by whatever name called) who fails to report the commission of an offence under sub-section (*1*) of section 19 in respect of a subordinate under his control, shall be punished with imprisonment for a term which may extend to one year and with fine.

(*3*) The provisions of sub-section (*1*) shall not apply to a child under this Act.

Punishment for false complaint or false information.

22. (*1*) Any person, who makes false complaint or provides false information against any person, in respect of an offence committed under sections 3, 5, 7 and section 9, solely with the intention to humiliate, extort or threaten or defame him, shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

(*2*) Where a false complaint has been made or false information has been provided by a child, no punishment shall be imposed on such child.

(*3*) Whoever, not being a child, makes a false complaint or provides false information against a child, knowing it to be false, thereby victimising such child in any of the offences under this Act, shall be punished with imprisonment which may extend to one year or with fine or with both.

Procedure for media.

23. (*1*) No person shall make any report or present comments on any child from any form of media or studio or photographic facilities without having complete and authentic information, which may have the effect of lowering his reputation or infringing upon his privacy.

(*2*) No reports in any media shall disclose, the identity of a child including his name, address, photograph, family details, school, neighbourhood or any other particulars which may lead to disclosure of identity of the child:

Provided that for reasons to be recorded in writing, the Special Court, competent to try the case under the Act, may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

(*3*) The publisher or owner of the media or studio or photographic facilities shall be jointly and severally liable for the acts and omissions of his employee.

(*4*) Any person who contravenes the provisions of sub-section (*1*) or sub-section (*2*) shall be liable to be punished with imprisonment of either description for a period which shall not be less than six months but which may extend to one year or with fine or with both.

CHAPTER VI

PROCEDURES FOR RECORDING STATEMENT OF THE CHILD

Recording of statement of a child.

24. (*1*) The statement of the child shall be recorded at the residence of the child or at a place where he usually resides or at the place of his choice and as far as practicable by a woman police officer not below the rank of sub-inspector.

(*2*) The police officer while recording the statement of the child shall not be in uniform.

(*3*) The police officer making the investigation, shall, while examining the child, ensure that at no point of time the child come in the contact in any way with the accused.

(*4*) No child shall be detained in the police station in the night for any reason.

(*5*) The police officer shall ensure that the identity of the child is protected from the public media, unless otherwise directed by the Special Court in the interest of the child.

Recording of statement of a child by Magistrate.

2 of 1974.

25. (*1*) If the statement of the child is being recorded under section 164 of the Code of Criminal Procedure, 1973 (herein referred to as the Code), the Magistrate recording such statement shall, notwithstanding anything contained therein, record the statement as spoken by the child:

Provided that the provisions contained in the first proviso to sub-section (*1*) of section 164 of the Code shall, so far it permits the presence of the advocate of the accused shall not apply in this case.

(*2*) The Magistrate shall provide to the child and his parents or his representative, a copy of the document specified under section 207 of the Code, upon the final report being filed by the police under section 173 of that Code.

Additional provisions regarding statement to be recorded.

26. (*1*) The Magistrate or the police officer, as the case may be, shall record the statement as spoken by the child in the presence of the parents of the child or any other person in whom the child has trust or confidence.

(*2*) Wherever necessary, the Magistrate or the police officer, as the case may be, may take the assistance of a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, while recording the statement of the child.

(*3*) The Magistrate or the police officer, as the case may be, may, in the case of a child having a mental or physical disability, seek the assistance of a special educator or any person familiar with the manner of communication of the child or an expert in that field, having such qualifications, experience and on payment of such fees as may be prescribed, to record the statement of the child.

(*4*) Wherever possible, the Magistrate or the police officer, as the case may be, shall ensure that the statement of the child is also recorded by audio-video electronic means.

Medical examination of a child.

27. (*1*) The medical examination of a child in respect of whom any offence has been committed under this Act, shall, notwithstanding that a First Information Report or complaint has not been registered for the offences under this Act, be conducted in accordance with section 164A of the Code of Criminal Procedure, 1973. 2 of 1974.

(*2*) In case the victim is a girl child, the medical examination shall be conducted by a woman doctor.

(*3*) The medical examination shall be conducted in the presence of the parent of the child or any other person in whom the child reposes trust or confidence.

(*4*) Where, in case the parent of the child or other person referred to in sub-section (*3*) cannot be present, for any reason, during the medical examination of the child, the medical examination shall be conducted in the presence of a woman nominated by the head of the medical institution.

CHAPTER VII

SPECIAL COURTS

Designation of Special Courts.

28. (*1*) For the purposes of providing a speedy trial, the State Government shall in consultation with the Chief Justice of the High Court, by notification in the Official Gazette, designate for each district, a Court of Session to be a Special Court to try the offences under the Act:

Provided that if a Court of Session is notified as a children's court under the Commissions for Protection of Child Rights Act, 2005 or a Special Court designated for similar purposes under any other law for the time being in force, then, such court shall be deemed to be a Special Court under this section. 4 of 2006.

(*2*) While trying an offence under this Act, a Special Court shall also try an offence [other than the offence referred to in sub-section (*1*)], with which the accused may, under the Code of Criminal Procedure, 1973, be charged at the same trial. 2 of 1974.

(*3*) The Special Court constituted under this Act, notwithstanding anything in the Information Technology Act, 2000, shall have jurisdiction to try offences under section 67B of that Act in so far as it relates to publication or transmission of sexually explicit material depicting children in any act, or conduct or manner or facilitates abuse of children online. 21 of 2000.

Presumption as to certain offences.

29. Where a person is prosecuted for committing or abetting or attempting to commit any offence under sections 3, 5, 7 and section 9 of this Act, the Special Court shall presume, that such person has committed or abetted or attempted to commit the offence, as the case may be unless the contrary is proved.

Presumption of culpable mental state.

30. (*1*) In any prosecution for any offence under this Act which requires a culpable mental state on the part of the accused, the Special Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

(*2*) For the purposes of this section, a fact is said to be proved only when the Special Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.

Explanation.—In this section, "culpable mental state" includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact.

Application of Code of Criminal Procedure, 1973 to proceedings before a Special Court.

31. Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 (including the provisions as to bail and bonds) shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Sessions and the person conducting a prosecution before a Special Court, shall be deemed to be a Public Prosecutor. 2 of 1974.

Special Public Prosecutors.

32. (*1*) The State Government shall, by notification in the Official Gazette, appoint a Special Public Prosecutor for every Special Court for conducting cases only under the provisions of this Act.

(*2*) A person shall be eligible to be appointed as a Special Public Prosecutor under sub-section (*1*) only if he had been in practice for not less than seven years as an advocate.

(*3*) Every person appointed as a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (*u*) of section 2 of the Code of Criminal Procedure, 1973 and provision of that Code shall have effect accordingly. 2 of 1974.

CHAPTER VIII

PROCEDURE AND POWERS OF SPECIAL COURTS AND RECORDING OF EVIDENCE

Procedure and powers of Special Court.

33. (*1*) A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report of such facts.

(*2*) The Special Public Prosecutor, or as the case may be, the counsel appearing for the accused shall, while recording the examination-in-chief, cross-examination or re-examination of the child, communicate the questions to be put to the child to the Special Court which shall in turn put those questions to the child.

(*3*) The Special Court may, if it considers necessary, permit frequent breaks for the child during the trial.

(*4*) The Special Court shall create a child-friendly atmosphere by allowing a family member, a guardian, a friend or a relative, in whom the child has trust or confidence, to be present in the court.

(*5*) The Special Court shall ensure that the child is not called repeatedly to testify in the court.

(*6*) The Special Court shall not permit aggressive questioning or character assassination of the child and ensure that dignity of the child is maintained at all times during the trial.

(*7*) The Special Court shall ensure that the identity of the child is not disclosed at any time during the course of investigation or trial:

Provided that for reasons to be recorded in writing, the Special Court may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

Explanation.—For the purposes of this sub-section, the identity of the child shall include the identity of the child's family, school, relatives, neighbourhood or any other information by which the identity of the child may be revealed.

(*8*) In appropriate cases, the Special Court may, in addition to the punishment, direct payment of such compensation as may be prescribed to the child for any physical or mental trauma caused to him or for immediate rehabilitation of such child.

(*9*) Subject to the provisions of this Act, a Special Court shall, for the purpose of the trial of any offence under this Act, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session, and as far as may be, in accordance with the procedure specified in the Code of Criminal Procedure, 1973 for trial before a Court of Session. 2 of 1974.

Procedure in case of commission of offence by child and determination of age by Special Court.

34. (*1*) Where any offence under this Act is committed by a child, such child shall be dealt with under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000. 56 of 2000.

(*2*) If any question arises in any proceeding before the Special Court whether a person is a child or not, such question shall be determined by the Special Court after satisfying itself about the age of such person and it shall record in writing its reasons for such determination.

(3) No order made by the Special Court shall be deemed to be invalid merely by any subsequent proof that the age of a person as determined by it under sub-section (2) was not the correct age of that person.

Period for recording of evidence of child and disposal of case.

35. (1) The evidence of the child shall be recorded within a period of thirty days of the Special Court taking cognizance of the offence and reasons for delay, if any, shall be recorded by the Special Court.

(2) The Special Court shall complete the trial, as far as possible, within a period of one year from the date of taking cognizance of the offence.

Child not to see accused at the time of testifying.

36. (1) The Special Court shall ensure that the child is not exposed in any way to the accused at the time of recording of the evidence, while at the same time ensuring that the accused is in a position to hear the statement of the child and communicate with his advocate.

(2) For the purposes of sub-section (1), the Special Court may record the statement of a child through video conferencing or by utilising single visibility mirrors or curtains or any other device.

Trials to be conducted *in camera*.

37. The Special Court shall try cases *in camera* and in the presence of the parents of the child or any other person in whom the child has trust or confidence:

Provided that where the Special Court is of the opinion that the child needs to be examined at a place other than the court, it shall proceed to issue a commission in accordance with the provisions of section 284 of the Code of Criminal Procedure, 1973.

2 of 1974.

Assistance of an interpreter or expert while recording evidence of child.

38. (1) Wherever necessary, the Court may take the assistance of a translator or interpreter having such qualifications, experience and on payment of such fees as may be prescribed, while recording the evidence of the child.

(2) If a child has a mental or physical disability, the Special Court may take the assistance of a special educator or any person familiar with the manner of communication of the child or an expert in that field, having such qualifications, experience and on payment of such fees as may be prescribed to record the evidence of the child.

CHAPTER IX

MISCELLANEOUS

Guidelines for child to take assistance of experts, etc.

39. Subject to such rules as may be made in this behalf, the State Government shall prepare guidelines for use of non-governmental organisations, professionals and experts or persons having knowledge of psychology, social work, physical health, mental health and child development to be associated with the pre-trial and trial stage to assist the child.

Right of child to take assistance of legal practitioner.

40. Subject to the proviso to section 301 of the Code of Criminal Procedure, 1973 the family or the guardian of the child shall be entitled to the assistance of a legal counsel of their choice for any offence under this Act:

2 of 1974.

Provided that if the family or the guardian of the child are unable to afford a legal counsel, the Legal Services Authority shall provide a lawyer to them.

Provisions of sections 3 to 13 not to apply in certain cases.

41. The provisions of sections 3 to 13 (both inclusive) shall not apply in case of medical examination or medical treatment of a child when such medical examination or medical treatment is undertaken with the consent of his parents or guardian.

Alternative punishment.

42. Where an act or omission constitute an offence punishable under this Act and also under any other law for the time being in force, then, notwithstanding anything contained in any law for the time being in force, the offender found guilty of such offence shall be liable to punishment only under such law or this Act as provides for punishment which is greater in degree.

Public awareness about Act.

43. The Central Government and every State Government, shall take all measures to ensure that—

(*a*) the provisions of this Act are given wide publicity through media including the television, radio and the print media at regular intervals to make the general public, children as well as their parents and guardians aware of the provisions of this Act;

(*b*) the officers of the Central Government and the State Governments and other concerned persons (including the police officers) are imparted periodic training on the matters relating to the implementation of the provisions of the Act.

Monitoring of implementation of Act.

4 of 2006.

44. (*1*) The National Commission for Protection of Child Rights constituted under section 3, or as the case may be, the State Commission for Protection of Child Rights constituted under section 17, of the Commissions for Protection of Child Rights Act, 2005, shall, in addition to the functions assigned to them under that Act, also monitor the implementation of the provisions of this Act in such manner as may be prescribed.

4 of 2006.

(*2*) The National Commission or, as the case may be, the State Commission, referred to in sub-section (*1*), shall, while inquiring into any matter relating to any offence under this Act, have the same powers as are vested in it under the Commissions for Protection of Child Rights Act, 2005.

4 of 2006.

(*3*) The National Commission or, as the case may be, the State Commission, referred to in sub-section (*1*), shall, also include, its activities under this section, in the annual report referred to in section 16 of the Commissions for Protection of Child Rights Act, 2005.

Power to make rules.

45. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(*a*) the qualifications and experience of, and the fees payable to, a translator or an interpreter, a special educator or any person familiar with the manner of communication of the child or an expert in that field, under sub-section (*4*) of section 19; sub-sections (*2*) and (*3*) of section 26 and section 38;

(*b*) care and protection and emergency medical treatment of the child under sub-section (*5*) of section 19;

(*c*) the payment of compensation under sub-section (*8*) of section 33;

(*d*) the manner of periodic monitoring of the provisions of the Act under sub-section (*1*) of section 44.

(*3*) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to remove difficulties.

46. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removal of the difficulty:

Provided that no order shall be made under this section after the expiry of the period of two years from the commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

THE SCHEDULE

[*See* section 2(*c*)]

ARMED FORCES AND SECURITY FORCES CONSTITUTED UNDER

(*a*) The Air Force Act, 1950 (45 of 1950);

(*b*) The Army Act, 1950 (46 of 1950);

(*c*) The Assam Rifles Act, 2006 (47 of 2006);

(*d*) The Bombay Home Guard Act, 1947 (3 of 1947);

(*e*) The Border Security Force Act, 1968 (47 of 1968);

(*f*) The Central Industrial Security Force Act, 1968 (50 of 1968);

(*g*) The Central Reserve Police Force Act, 1949 (66 of 1949);

(*h*) The Coast Guard Act, 1978 (30 of 1978);

(*i*) The Delhi Special Police Establishment Act, 1946 (25 of 1946);

(*j*) The Indo-Tibetan Border Police Force Act, 1992 (35 of 1992);

(*k*) The Navy Act, 1957 (62 of 1957);

(*l*) The National Investigation Agency Act, 2008 (34 of 2008);

(*m*) The National Security Guard Act, 1986 (47 of 1986);

(*n*) The Railway Protection Force Act, 1957 (23 of 1957);

(*o*) The Sashastra Seema Bal Act, 2007 (53 of 2007);

(*p*) The Special Protection Group Act, 1988 (34 of 1988);

(*q*) The Territorial Army Act, 1948 (56 of 1948);

(*r*) The State police forces (including armed constabulary) constituted under the State laws to aid the civil powers of the State and empowered to employ force during internal disturbances or otherwise including armed forces as defined in clause (*a*) of section 2 of the Armed Forces (Special Powers) Act, 1958 (28 of 1958).

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2013.

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2012-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 317-G] रायपुर, गुरुवार, दिनांक 18 जुलाई 2013—आषाढ़ 27, शक 1935

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, कैपिटल काम्प्लेक्स, नया रायपुर

रायपुर, दिनांक 19 जुलाई 2013

क्र. 6160/डी. 158/21-अ/प्रा./छ.ग./13.—भारत सरकार, विधि और न्याय मंत्रालय के पत्र क्र. F. 1 (38)/11-L.I./ नई दिल्ली, दिनांक 03-05-2013 के अनुसरण में दी एडमिनिस्ट्रेटर्स-जनरल (अमेंडमेंट) एक्ट, 2012 (नं. 33 ऑफ 2012) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सुषमा सावंत, अतिरिक्त सचिव.

THE ADMINISTRATORS-GENERAL (AMENDMENT) ACT, 2012

An Act

further to amend the Administrators-General Act, 1963.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Administrators-General (Amendment) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of sections 9, 10, 29 and 36 of Act 45 of 1963.

2. In sections 9, 10, 29 and 36 of the Administrators-General-Act 1963, for the words "two lakhs", wherever they occur, the words "ten lakhs" shall be substituted.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2013.

यनल 24-10-13

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक "छत्तीसगढ़/दुर्ग/09/2012-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 317-H] रायपुर, गुरुवार, दिनांक 18 जुलाई 2013—आषाढ़ 27, शक 1935

विधि और विधायी कार्य विभाग

मंत्रालय, महानदी भवन, कैपिटल काम्प्लेक्स, नया रायपुर

रायपुर, दिनांक 19 जुलाई 2013

क्र. 6160/डी. 158/21-अ/प्रा./छ.ग./13.—भारत सरकार, विधि और न्याय मंत्रालय के पत्र क्र. F. 1 (38)/11-L.I./ नई दिल्ली, दिनांक 03-05-2013 के अनुसरण में दी इन्स्टीट्यूट्स आफ टेक्नॉलॉजी (अमेंडमेंट) एक्ट, 2012 (नं. 34 ऑफ 2012) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सुषमा सावंत, अतिरिक्त सचिव.

THE INSTITUTES OF TECHNOLOGY (AMENDMENT) ACT, 2012

An Act

further to amend the Institutes of Technology Act, 1961.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Institutes of Technology (Amendment) Act, 2012.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

59 of 1961.

Amendment of section 2.

2. In the Institutes of Technology Act, 1961 (hereinafter referred to as the principal Act), in section 2, for the words "and the Indian Institute of Technology, Roorkee", the words "the Indian Institute of Technology, Roorkee, the Indian Institute of Technology, Bhubaneswar, the Indian Institute of Technology, Gandhi Nagar, the Indian Institute of Technology, Hyderabad, the Indian Institute of Technology, Indore, the Indian Institute of Technology, Jodhpur, the Indian Institute of Technology, Mandi, the Indian Institute of Technology, Patna, the Indian Institute of Technology, Ropar and the Indian Institute of Technology (Banaras Hindu University), Varanasi" shall be substituted.

Amendment of section 3.

3. In section 3 of the principal Act,—

(*a*) in clause (*c*), after sub-clause (*iv*), the following sub-clauses shall be inserted, namely:—

"(*v*) in relation to the society known as the Indian Institute of Technology, Bhubaneswar, the Indian Institute of Technology, Bhubaneswar;

(*vi*) in relation to the society known as the Indian Institute of Technology, Gandhinagar, the Indian Institute of Technology, Gandhinagar;

(*vii*) in relation to the society known as the Indian Institute of Technology, Hyderabad, the Indian Institute of Technology, Hyderabad;

(*viii*) in relation to the society known as the Indian Institute of Technology, Indore, the Indian Institute of Technology, Indore;

(*ix*) in relation to the society known as the Indian Institute of Technology, Rajasthan, the Indian Institute of Technology, Jodhpur;

(*x*) in relation to the society known as the Indian Institute of Technology, Mandi, the Indian Institute of Technology, Mandi;

(*xi*) in relation to the society known as the Indian Institute of Technology, Patna, the Indian Institute of Technology, Patna;

(*xii*) in relation to the society known as the Indian Institute of Technology, Punjab, the Indian Institute of Technology, Ropar;

(*xiii*) in relation to the Institute of Technology, Banaras Hindu University, referred to in Statute 25(A)(1) of the Statutes set out in the Schedule to the Banaras Hindu University Act, 1915, the Indian Institute of Technology (Banaras Hindu University), Varanasi;"; 16 of 1915.

(*b*) after clause (*g*), the following clause shall be inserted, namely:—

'(*ga*) "Institute of Technology, Banaras Hindu University" means the Institute of Technology, Banaras Hindu University, referred to in Statute 25(A)(1) of the Statutes set out in the Schedule to the Banaras Hindu University Act, 1915;'; 16 of 1915.

(*c*) in clause (*j*), after sub-clause (*iii*), the following sub-clauses shall be inserted, namely:—

"(*iv*) the Indian Institute of Technology, Bhubaneswar;

(*v*) the Indian Institute of Technology, Gandhinagar;

(*vi*) the Indian Institute of Technology, Hyderabad;

(*vii*) the Indian Institute of Technology, Indore;

(*viii*) the Indian Institute of Technology, Rajasthan;

(*ix*) the Indian Institute of Technology, Mandi;

(*x*) the Indian Institute of Technology, Patna;

(*xi*) the Indian Institute of Technology, Punjab;";

(*d*) after clause (*l*), the following clause shall be inserted, namely:—

'(*m*) "zone", in relation to an Institute, means such group of States and Union territories as the Central Government may, by notification in the Official Gazette, specify.'.

4. In section 4 of the principal Act, after sub-section (*1C*), the following sub-section shall be inserted, namely:—

Amendment of section 4.

"(*1D*) The Institute of Technology, Banaras Hindu University shall, on such incorporation, be called the Indian Institute of Technology (Banaras Hindu University), Varanasi.".

5. In section 5 of the principal Act, the *Explanation* shall be numbered as *Explanation 1* thereof and after *Explanation 1* as so numbered, the following *Explanation* shall be inserted, namely:—

Amendment of section 5.

"*Explanation 2.*—The reference in this section to the commencement of this Act shall be construed in relation to the Indian Institute of Technology, Bhubaneswar, the Indian Institute of Technology, Gandhinagar, the Indian Institute of Technology, Hyderabad, the Indian Institute of Technology, Indore, the Indian Institute of Technology, Jodhpur, the Indian Institute of Technology, Mandi, the Indian Institute of Technology, Patna and the Indian Institute of Technology, Ropar, as the reference to the date on which the provisions of the Institutes of Technology (Amendment) Act, 2012 come into force.".

6. After section 5A of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 5B.

"5B. On and from the commencement of the Institutes of Technology (Amendment) Act, 2012,—

Effect of incorporation of Indian Institute of Technology (Banaras Hindu University), Varanasi.

(*a*) any reference to the Institute of Technology, Banaras Hindu University in any law for the time being in force (other than this Act) or in any contract or other instrument shall be deemed as a reference to the Indian Institute of Technology (Banaras Hindu University), Varanasi;

(*b*) all property, movable and immovable, of or belonging to the Institute of Technology, Banaras Hindu University, shall vest in the Indian Institute of Technology (Banaras Hindu University), Varanasi;

(*c*) all rights and liabilities of the Institute of Technology, Banaras Hindu University shall be transferred to, and be the rights and liabilities of, the Indian Institute of Technology (Banaras Hindu University), Varanasi;

(*d*) every person employed in the Institute of Technology, Banaras Hindu University immediately before such commencement shall hold his office or service in the Indian Institute of Technology (Banaras Hindu University), Varanasi by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same if this Act had not been passed and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Statutes:

Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the Indian Institute of Technology (Banaras Hindu University), Varanasi in accordance with the terms of the contract with the employee or, if no provision is made therein in this behalf, on payment to him by the Indian Institute of Technology (Banaras Hindu University), Varanasi of compensation equivalent to three months' remuneration in the case of permanent employees and one month's remuneration in the case of other employees:

Provided further that any reference, by whatever form of words, to the Director of the Institute of Technology, Banaras Hindu University in any law for the time being in force, or in any instrument or other document, shall be construed as a reference to the Director of the Indian Institute of Technology (Banaras Hindu University), Varanasi; and

(*e*) on the commencement of the Institutes of Technology (Amendment) Act, 2012,—

(*i*) the Vice-Chancellor of the Banaras Hindu University, appointed under the provisions of the Banaras Hindu University Act, 1915 shall be deemed to have been appointed as *ex officio* Chairman of the Board of Governors of the Indian Institute of Technology (Banaras Hindu University), Varanasi under this Act, and shall hold office for a period of three years with effect from such commencement; 16 of 1915.

(*ii*) the Director of the Institute of Technology, Banaras Hindu University, appointed under the provisions of the Banaras Hindu University Act, 1915 shall be deemed to have been appointed as Director of the Indian Institute of Technology (Banaras Hindu University), Varanasi under this Act, and shall hold his office till Director is appointed under this Act. 16 of 1915.

Explanation.—The reference in this section to the commencement of this Act shall be construed in relation to the Indian Institute of Technology (Banaras Hindu University), Varanasi as the reference to the date on which the provisions of the Institutes of Technology (Amendment) Act, 2012 come into force.".

Amendment of section 6.

7. In section 6 of the principal Act, after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) subject to the provisions of this Act, every Institute may strive to meet the technological needs of the States and the Union territories included in its zone by—

(*a*) supporting and collaborating with technical education institutions located in the zone with a view to enhance their quality and capability;

(*b*) advising the State Governments and the Union territories included in its zone in the matter of technical education and any technological issue referred by them to the Institute for advice.".

Amendment of section 11.

8. In section 11 of the principal Act,—

(*i*) after clause (*e*), the following proviso shall be inserted, namely:—

"Provided that in the case of the Indian Institute of Technology (Banaras Hindu University), Varanasi,—

(*a*) the Board of such Institute shall consist of Vice-Chairman to be nominated, after a period of three years from the commencement of the Institutes of Technology (Amendment) Act, 2012, by the Executive Council referred to in clause (*d*) of section 2 of the Banaras Hindu University Act, 1915, from amongst its members including its Vice-Chancellor;"; 16 of 1915.

(*b*) four persons to be nominated under clause (*d*), out of which two persons to be nominated by the Executive Council referred to in clause (*d*) of section 2 of the Banaras Hindu University Act, 1915, from amongst its members including its Vice-Chancellor;"; 16 of 1915.

(*ii*) the *Explanation* shall be omitted.

9. In section 14 of the principal Act, after clause (*e*), the following proviso shall be inserted, namely:— Amendment of section 14.

"Provided that in case of the Indian Institute of Technology (Banaras Hindu University), Varanasi, three members shall be nominated by the Executive Council referred to in clause (*d*) of section 2 of the Banaras Hindu University Act, 1915.". 16 of 1915.

10. In section 38 of the principal Act,— Amendment of section 38.

(*a*) after clause (*i*), the following clauses shall be inserted, namely:—

"(*j*) until the first Statutes and Ordinances in relation to the Indian Institute of Technology, Bhubaneswar, the Indian Institute of Technology, Gandhinagar, the Indian Institute of Technology, Hyderabad, the Indian Institute of Technology, Indore, the Indian Institute of Technology, Jodhpur, the Indian Institute of Technology, Mandi, the Indian Institute of Technology, Patna and the Indian Institute of Technology, Ropar are made under this Act, the Statutes and Ordinances of such Institute, as in force immediately before the commencement of the Institutes of Technology (Amendment) Act, 2012, shall apply to those Institutes with necessary modifications and adaptations in so far as they are not inconsistent with the provisions of this Act;

(*k*) the Executive Council, referred to in clause (*d*) of section 2 of the Banaras Hindu University Act, 1915, functioning as such immediately before the commencement of the Institutes of Technology (Amendment) Act, 2012, shall continue to so function until a new Board is constituted for the Indian Institute of Technology (Banaras Hindu University), Varanasi under this Act, but on the constitution of a new Board under this Act, the Executive Council of the Banaras Hindu University shall cease to function so far as the Indian Institute of Technology (Banaras Hindu University), Varanasi is concerned; 16 of 1915.

(*l*) the Academic Council, referred to in clause (*a*) of section 2 of the Banaras Hindu University Act, 1915, functioning as such immediately before the commencement of the Institutes of Technology (Amendment) Act, 2012 shall continue to so function until a new Senate is constituted for the Indian Institute of Technology (Banaras Hindu University), Varanasi under this Act, but on the constitution of a new Senate under this Act, the Academic Council of the Banaras Hindu University shall cease to function so far as the Indian Institute of Technology (Banaras Hindu University), Varanasi; 16 of 1915.

(*m*) until the first Statutes and the Ordinances in relation to the Indian Institute of Technology (Banaras Hindu University), Varanasi are made under this Act, the Statutes and Ordinances as are applicable to the Indian Institute of Technology, Kanpur immediately before the commencement of the Institutes of Technology (Amendment) Act, 2012, shall apply to the Indian Institute of Technology (Banaras Hindu University), Varanasi with the necessary modifications and adaptations in so far as they are not inconsistent with the provisions of this Act;

(*n*) notwithstanding anything contained in the Institutes of Technology (Amendment) Act, 2012, any student who joined classes of the Institute of Technology, Banaras Hindu University on or after the commencement of 2006-2007 academic session or completed the courses on or after 2009-2010 academic session shall for the purpose of clause (*b*) of sub-section (*1*) of section 6, be deemed to have pursued a course of study in the Indian Institute of Technology (Banaras Hindu University), Varanasi provided that such student has not already been awarded degree or diploma for the same course of study;

(*o*) if any difficulty arises in giving effect to the provisions of the Institutes of Technology (Amendment) Act, 2012, the Central Government

may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this clause after the expiry of two years from the commencement of the Institutes of Technology (Amendment) Act, 2012:

Provided further that every order made under this clause shall be laid, as soon as may be after it is made, before each House of Parliament.";

(*b*) after *Explanation* 2, the following *Explanation* shall be inserted, namely:—

"*Explanation* 3.— The reference in clauses (*k*), (*l*) and (*m*) of this section to the commencement of this Act shall be construed in relation to the Indian Institute of Technology (Banaras Hindu University), Varanasi, as the reference to the date on which the provisions of the Institutes of Technology (Amendment) Act, 2012 come into force.".

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2013.

IInd वाचन हेतु 21-10-13

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2012-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 317-I]   रायपुर, गुरुवार, दिनांक 18 जुलाई 2013—आषाढ़ 27, शक 1935

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, कैपिटल काम्प्लेक्स, नया रायपुर

रायपुर, दिनांक 19 जुलाई 2013

क्र. 6160/डी. 158/21-अ/प्रा./छ.ग./13.—भारत सरकार, विधि और न्याय मंत्रालय के पत्र क्र. F. 1 (38)/11-L.I./ नई दिल्ली, दिनांक 03-05-2013 के अनुसरण में दी राजीव गांधी नेशनल इन्स्टीट्यूट आफ यूथ डेव्हलपमेंट एक्ट, 2012 (नं. 35 ऑफ 2012) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सुषमा सावंत, अतिरिक्त सचिव.

THE RAJIV GANDHI NATIONAL INSTITUTE OF YOUTH DEVELOPMENT ACT, 2012

CHAPTER I
PRELIMINARY

फायनल 24-10-13

CHAPTER II
RAJIV GANDHI NATIONAL INSTITUTE OF YOUTH DEVELOPMENT

CHAPTER III
AUTHORITIES OF THE INSTITUTE

CHAPTER IV
OFFICERS OF THE INSTITUTE

CHAPTER V
FINANCE, ACCOUNTS AND AUDIT

CHAPTER VI
MISCELLANEOUS

THE RAJIV GANDHI NATIONAL INSTITUTE OF YOUTH DEVELOPMENT ACT, 2012

An Act

to declare the institution known as the Rajiv Gandhi National Institute of Youth Development, to be an institution of national importance and to provide for its incorporation and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

Short title and commencement.

1. *(1)* This Act may be called the Rajiv Gandhi National Institute of Youth Development Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Declaration of Rajiv Gandhi National Institute of Youth Development as an institution of national importance.

2. Whereas the objects of the institution known as the Rajiv Gandhi National Institute of Youth Development are such as to make the institution one of national importance, it is hereby declared that the institution known as the Rajiv Gandhi National Institute of Youth Development is an institution of national importance.

Definitions.

3. In this Act, unless the context otherwise requires,— 5

(*a*) "Academic Council" means the Academic Council of the Institute;

(*b*) "appointed day" means the date appointed under sub-section (*2*) of section 1 for coming into force of this Act;

(*c*) "Chairperson" means a Chairperson to the Executive Council referred to in clause (*a*) of sub-section (*2*) of section 12; 10

(*d*) "Director" means the Director of the Institute referred to in clause (*a*) of section 21;

(*e*) "Executive Council" means the Executive Council of the Institute established under section 12;

(*f*) "existing Institute" means the Rajiv Gandhi National Institute of Youth Development, Sriperumbudur, established under the provisions of the Society Registration Act, 1860 and declared as deemed to be a University under section 3 of the University Grants Commission Act, 1956, and which is in existence immediately before the commencement of this Act; 15

21 of 1860.
3 of 1956.

(*g*) "Fund" means the fund of the Institute to be maintained under section 26; 20

(*h*) "Institute" means the Rajiv Gandhi National Institute of Youth Development incorporated under section 4;

(*i*) "notification" means the notification published in the Official Gazette;

(*j*) "prescribed" means prescribed by rules made under this Act;

(*k*) "Registrar" means the Registrar of the Institute referred to in section 23; 25

(*l*) "Statutes" and "Ordinances" mean the Statutes and Ordinances of the Institute made under this Act.

CHAPTER II

RAJIV GANDHI NATIONAL INSTITUTE OF YOUTH DEVELOPMENT

Incorporation of Institute.

4. (*1*) The Rajiv Gandhi National Institute of Youth Development shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall, by that name, sue and be sued. 30

(*2*) The first Chairperson, the first Director and the first members of the Executive Council and the Academic Council, and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, shall constitute the Institute. 35

(*3*) The headquarters of the Institute shall be in the district of Kanchipuram, in the State of Tamil Nadu.

(*4*) The Institute may establish and maintain centres at such other places in India as it may deem fit. 40

Effect of establishment of Institute.

5. On and from the appointed day and subject to other provisions of this Act,—

(*a*) any reference to the existing Institute in any contract or other instrument shall be deemed as a reference to the Institute;

(*b*) all property, movable and immovable, of or belonging to the existing Institute shall vest in the Institute;

(*c*) all rights and liabilities of the existing Institute shall be transferred to, and be the rights and liabilities of, the Institute; and

(*d*) every person employed by the existing Institute immediately before the appointed day shall hold office or service in the Institute by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same if this Act had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Statutes:

Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the Institute in accordance with the terms of the contract with the employee or, if no provision is made therein in this behalf, on payment to him by the Institute a compensation equivalent to three months' remuneration in the case of permanent employees and one month's remuneration in the case of other employees.

Objects of Institute.

6. The objects of the Institute shall be,—

(*a*) to evolve and achieve an integrated approach to youth development for preparing and empowering the youth for the future, by—

(*i*) providing action oriented research inputs for policy formulation;

(*ii*) implementation of policy through extension and other programmes;

(*iii*) promoting assessment and impact study and conducting teaching, training and other academic programmes;

(*b*) to set up advanced National Youth Resource Centre commensurate with the international standards to provide for comprehensive and scientifically analysed data on all youth-related issues and matters, with adequate library facility, documentation and publication;

(*c*) to provide for research and development and dissemination of knowledge through extension and outreach programmes;

(*d*) to act as a nodal agency for capacity building of stakeholders including youth bodies, organisations and agencies relating to youth;

(*e*) to empower youth to participate in inclusive development and nation building;

(*f*) to evolve as an institute of advanced study in the field of youth and to develop such professional excellence as may be required for the purpose;

(*g*) to provide for higher education in the field of youth development through employment-oriented and inter-disciplinary courses at the post graduate level.

Functions of Institute.

7. *(1)* Without prejudice to the provisions contained in section 6, the Institute shall,—

(*a*) develop a "think tank" by way of carrying out policy research, evaluation and impact analysis on youth programmes and issues of contemporary and future relevance;

(*b*) function as a repository of knowledge pertaining to data on youth;

(*c*) develop documentation, information and publication services for youth training and extension;

(*d*) provide technical advice and consultancy for formulation of youth related policy and promotion of youth programme;

(*e*) build the professional capacity of youth organisations, both in Government and voluntary sector;

(f) design, develop and conduct appropriate training and orientation programmes;

(g) conduct seminars, workshops and conferences on issues relating to youth;

(h) set up centres for dissemination of academic and training programmes;

(i) collaborate with national and international university, centres, institutes and such other agencies relating to youth training and youth development; 5

(j) establish programmes of study and research and to provide for instruction in such branches of study as the institute deems appropriate;

(k) award, subject to such conditions as the Institute may determine, degrees, diplomas, certificates or other academic distinctions or titles at various academic levels; 10

(l) confer honorary degrees or other distinction awards, fellowships, scholarships, prizes and medals;

(m) determine, demand and receive fees and other charges for its courses, programmes and other matters; 15

(n) conduct and coordinate projects and studies relating to youth sponsored by the Government of India and other developmental agencies;

(o) create with the prior approval of the Central Government, academic, technical, administrative, managerial and other posts in the Institute and make appointments thereto in accordance with the rules and regulations of the Institute; 20

(p) regulate the conduct of the affairs of the Institute;

(q) supervise and control the discipline of all categories of employees and students of the Institute;

(r) purchase, hire, lease, exchange or acquire property, movable or immovable and to construct, alter and maintain any building or buildings as may be necessary; 25

(s) set up distance learning or education centres, in collaboration with Open Universities, to provide access to the aspiring young professionals enabling them to take up a career in the field of youth development;

(t) establish, maintain and manage halls of residences and hostels for students;

(u) lay down conditions of service including a code of conduct for teachers and other categories of employees; 30

(v) supervise, control and regulate the discipline of students of the Institute and to make arrangements for promoting their health and general welfare;

(w) coordinate student exchange programmes with reputed International Youth Development Institutions; 35

(x) undertake, assist and promote all such activities conducive or incidental to the attainment of the objectives.

(2) The Institute may receive gifts, grants, donations or benefactions from the Government and to receive bequests, donations and transfers of movable or immovable properties from the testators, donors or transferors, as the case may be. 40

(3) The Institute may enter into agreements with international organisations, institutions and universities to broaden the scope of the youth work and to facilitate knowledge development and participatory learning.

Institute to be open to all races, creeds, gender and classes.

8. *(1)* The Institute shall be open to persons of either sex and of whatever race, creed, caste or class, physical ability, and no test or condition shall be imposed as to religious belief or profession in admitting students, appointing teachers or employees or in any other connection whatsoever. 45

(2) No bequest, donation or transfer of any property shall be accepted by the Institute which in the opinion of the Executive Council involves conditions or obligations opposed to the spirit and object of this section. 50

Teaching at Institute.

9. All teaching and other academic activities at the Institute shall be conducted by or in the name of the Institute in accordance with the Statutes and Ordinances made in this behalf.

Visitor.

10. *(1)* The President of India shall be the Visitor of the Institute:

Provided that the President may, by order, nominate any person to be the Visitor and such person so nominated shall hold office for such term, not exceeding five years as may be specified in the order and the person so nominated shall exercise the powers and discharge 5 duties of the Visitor.

(2) The Visitor may, from time to time, appoint one or more persons to review the work and progress of the Institute and to hold inquiries into the affairs thereof and to report thereon in such manner as the Visitor may direct.

(3) Upon receipt of any such report, the Visitor may take such action and issue such 10 directions as he considers necessary in respect of any of the matters dealt with in the report and the Institute shall be bound to comply with such directions within reasonable time.

CHAPTER III

AUTHORITIES OF THE INSTITUTE

Authorities of Institute.

11. The Institute shall consist of the following authorities, namely:—

15 *(a)* the Executive Council;

(b) the Academic Council; and

(c) such other authorities as may be declared by the Statutes to be the authorities of the Institute.

Establishment of Executive Council.

12. *(1)* With effect from such date as the Central Government may, by notification, 20 appoint in this behalf, there shall be established for the purpose of this Act, a central body to be called as the Executive Council.

(2) The Executive Council shall consist of the following members, namely:—

(a) an eminent person of academic repute to be nominated by the Visitor—Chairperson;

25 *(b)* an eminent person in the field of Youth Development to be nominated by the Visitor—Vice-Chairperson;

(c) Secretary, Department of Youth Affairs, Ministry of Youth Affairs and Sports—*ex officio* Member;

(d) Joint Secretary, Department of Youth Affairs, Ministry of Youth Affairs and 30 Sports—*ex officio* Member;

(e) Director, Rajiv Gandhi National Institute of Youth Development—*ex officio* Member;

(f) Professor from Rajiv Gandhi National Institute of Youth Development on rotation—Member;

35 *(g)* one eminent sports personality to be nominated by the Central Government—Member;

(h) one Head from an Academic Institution to be nominated by the Central Government—Member;

(i) one representative from the industry to be nominated by the Central 40 Government from the Federation of Indian Chamber of Commerce and Industry or Confederation of Indian Industry by the Central Government—Member;

(j) the Registrar, Rajiv Gandhi National Institute of Youth Development—Member-Secretary.

(3) While nominating the members of the Executive Council under sub-section *(2)* 45 due representation shall be given to women, different regions of the country, and weaker sections of the community and differently abled persons.

Terms of office of, vacancies among, and allowances payable to members of Executive Council.

13. *(1)* The term of office of every member of the Executive Council shall be for a period of three years from the date of his nomination:

Provided that the term of office of an *ex officio* member shall continue so long as he 50 holds the office by virtue of which he is a member.

(2) The term of office of a member nominated to fill a casual vacancy shall be for the remainder of the term of the member in whose place he has been nominated.

(3) Notwithstanding anything contained in this section, an out-going member shall, unless the Central Government otherwise directs, continue in office until another person is nominated as a member in his place or until the expiry of one year, whichever is earlier. 5

(4) The members of the Executive Council, other than *ex officio* members, shall be paid such travelling and other allowances as may be provided by the Statutes.

Meetings of Executive Council.

14. (*1*) The Chairperson shall ordinarily preside at the meetings of the Executive Council and at the Convocation of the Institute:

Provided that, in his absence, the Vice-Chairperson of the Executive Council shall preside at the meetings of the Executive Council. 10

(*2*) It shall be the duty of the Chairperson to ensure that the decisions taken by the Executive Council are implemented.

(*3*) The Chairperson shall exercise such other powers and perform such other duties as are assigned to him by this Act. 15

(*4*) The Executive Council shall meet at least four times in a year and follow such procedure, in its meetings (including quorum at such meetings) as may be provided by the Statutes.

Powers and functions of Executive Council.

15. (*1*) Subject to the provisions of this Act, the Executive Council shall be responsible for the general superintendence, direction and control of the affairs of the Institute and shall also exercise the powers of the Institute not otherwise provided for by this Act, the Statutes and the Ordinances, and shall have the power to review the acts of the Academic Council and Finance Committee. 20

(*2*) Without prejudice to the provisions of sub-section (*1*), the Executive Council shall— 25

(*a*) take decisions on questions of policy relating to the administration and working of the Institute;

(*b*) lay down policy regarding the duration of the courses, nomenclature of the degrees and other distinctions to be conferred by the Institute;

(*c*) institute courses of study and lay down standards of proficiency and other academic distinctions in respect of the courses offered by the Institute; 30

(*d*) lay down, with prior approval of the Central Government, the policy regarding the cadre structure, qualification, the method of recruitment and conditions of service of the teaching and research faculty as well as other employees of the Institute;

(*e*) guide resource mobilisation of the Institute and to lay down policies for utilisation; 35

(*f*) consider and approve proposals for taking loans for purposes of the Institute with or without the security of the property of the Institute;

(*g*) make Statutes and to alter, modify or rescind the same;

(*h*) consider and pass resolutions on annual report, annual accounts and the budget estimates of the Institutes for the next financial year as it thinks fit together with a statement of its development plans; and 40

(*i*) do all such things, not specifically covered under clauses (*a*) to (*h*), as may be necessary, incidental or conductive to the attainment of all or any of the powers under this section. 45

(3) The Executive Council shall have the power to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this Act.

(4) The Executive Council may, by a specific resolution to this effect, delegate any of its powers and duties to the Chairperson, Director, any officer or any authority of the Institute subject to reserving the right to review the action that may be taken under such delegated authority.

Academic Council.

16. (*1*) The Academic Council shall be the principal academic body of the Institute and shall, subject to the provisions of this Act, the Statutes and the Ordinances, co-ordinate and exercise general supervision over the academic policies of the Institute.

(2) The Academic Council shall consist of the following, namely:—

(a) Director-Chairman *ex officio*;

(b) one head of an academic institution of national importance to be nominated by the Chairperson;

(c) one Director from any of the Indian Institute of Technology or the Indian Institute of Management to be nominated by the Chairperson;

(d) Member in-charge of Youth Affairs in the Planning Commission of India *ex officio*;

(e) one person from any international non-governmental organisation working in India in the field of youth work to be nominated by the Chairperson;

(f) two representatives from the non-governmental industrial sector to be nominated by the Chairperson;

(g) one Professor from the Institute, on rotation basis;

(h) Director of the Lal Bahadur Shastri National Academy of Administration, Mussorie, *ex officio*;

(i) two persons from non-governmental organisations working in the field of youth and adolescent development out of whom one person shall be from the north-eastern region, to be nominated by the Chairperson;

(j) two students of the Institute out of whom one student shall be female;

(k) three eminent academicians from among the fields of Social Science, Health Science, Agricultural Science, Skill Development, Management and Law to be nominated by the Chairperson;

(l) one woman representative from the International Development Organisation to be nominated by the Chairperson;

(m) an officer not below the rank of Joint Secretary to the Government of India dealing with the affairs of the Institute in the Union Ministry of Youth Affairs and Sports, *ex officio*.

(3) The term of office of members of the Academic Council and its powers shall be such as may be provided by the Statutes.

(4) While nominating the members of the Academic Council due representation shall be given to women (by including at least four women), from different regions of the country, weaker sections of the community and differently abled persons.

Functions of Academic Council.

17. Subject to the provisions of this Act, the Statutes and the Ordinances, the Academic Council shall have the control and general regulation, and be responsible for the framing of the Ordinances, maintenance of standards of instruction, education and examination in the Institute and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

Finance Committee.

18. (*1*) There shall be a Finance Committee of the Institute which shall be the principal financial body of the Institute.

(*2*) The Finance Committee shall consist of the following, namely:—

(a) Director-Presiding Officer of the Finance Committee;

(b) Joint Secretary and Financial Adviser in the Union Ministry of Youth Affairs and Sports;

(c) Registrar of the Institute;

(d) one Professor of the Institute on rotation basis, as may be nominated by the Chairperson;

(e) one Member from the Executive Council to be nominated by the Chairperson;

(f) Joint Secretary in the Ministry of Youth Affairs and Sports dealing with the affairs of the Institute;

(g) the Finance Officer of the Institute—Member-Secretary.

(3) The term of office of members of the Finance Committee and its powers shall be such as may be provided by the Statutes. 5

(4) While nominating the members of the Academic Council due representation shall be given to women, different regions of the country, weaker sections of the community and differently abled persons.

Functions of Finance Committee.

19. The Finance Committee shall perform the following functions, namely:— 10

(a) to scrutinise the accounts and budget estimates of the Institute and to make recommendations to the Executive Council;

(b) to scrutinise the proposals for new expenditure on account of major works on purchases;

(c) to scrutinise re-appropriation statements and audit notes and make recommendations thereon to the Executive Council; 15

(d) to review the finances of the Institute from time to time and have concurrent audit conducted whenever necessary; and

(e) to give advice and make recommendations to the Executive Council on any financial questions affecting the affairs of the Institute. 20

Other authorities.

20. The constitution, powers and functions of the other authorities, as may be declared by the Statutes to be authorities of the Institute, shall be such as may be provided by the Statutes.

CHAPTER IV

OFFICERS OF THE INSTITUTE 25

Officers of Institute.

21. The Institute shall consist of the following officers, namely:—

(a) the Director;

(b) the Registrar; and

(c) such other officers as may be declared by the Statutes to be the officers of the Institute. 30

Director.

22. (1) The Director of the Institute shall be appointed by the Visitor for a period of three years in the manner specified in sub-sections (2) and (3) on such terms and conditions of service as may be provided by the Statutes:

Provided that the first Director shall be appointed by the Central Government on such terms and conditions as it deems fit, for a period not exceeding six months from the appointed day. 35

(2) The Director shall be appointed by the Visitor from a panel of three persons with outstanding academic qualifications as recommended by a Search Committee constituted by the Central Government for that purpose.

(3) The Search Committee referred to in sub-section (2) shall consist of three members, one each to be nominated by the Executive Council, the Central Government and the Visitor. 40

(4) The Director shall be the principal academic and executive officer of the Institute and shall be responsible for the proper administration and academic performance of the Institute and for imparting of instruction and maintenance of discipline therein.

(5) The Director shall submit annual report and audited accounts of the Institute to the Executive Council and the Central Government and the Central Government shall thereupon cause the same to be laid before each House of Parliament. 45

(6) The Director shall exercise such other powers and perform such other duties as may be assigned to him by the Act, the Statutes and the Ordinances.

Registrar.

23. (1) The Registrar of the Institute shall be appointed in such manner and on such terms and conditions as may be provided by the Statutes and shall be the custodian of records, common seal, the funds of the Institute and such other property of the Institute as the Executive Council shall commit to his charge. 50

(2) The Registrar shall act as the Member-Secretary of the Executive Council, the Academic Council and such committees as may be provided by the Statutes. 55

(3) The Registrar shall be responsible to the Director for the proper discharge of his functions.

(4) The Registrar ... such other powers and perform such other duties as may be assigned to him by this Act, the Statutes or by the Director.

5 **24.** The manner of appointment, emoluments, powers and duties of the other officers of the Institute shall be such as may be provided by the Statutes.

Other officers.

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT

25. The Central Government may, after due appropriation made by Parliament by law 10 in this behalf, pay to the Institute in each financial year such sums of money and in such manner as it may think fit for being utilised for the purposes of this Act.

Grants by Central Government.

26. (*1*) The Institute shall maintain a Fund to which shall be credited—

Fund of Institute.

(*a*) all monies provided by the Central Government;

(*b*) all fees and other charges levied and collected by the Institute;

15 (*c*) all monies received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers; and

(*d*) all monies received by the Institute in any other manner or from any other source.

(*2*) All monies credited to the Fund shall be deposited in such banks or invested in 20 such manner as may be decided by the Executive Council.

(*3*) The Fund shall be applied towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its duties under this Act.

27. Without prejudice to the provisions contained in section 26, the Institute may,—

Endowment or other funds.

(*a*) set up an endowment fund with an amount of one hundred crore rupees 25 to be maintained in the Public Account and any other fund for a specified purpose; and

(*b*) transfer monies from its fund to the endowment fund or any other fund.

28. (*1*) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the balance sheet, in such form as may 30 be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and audit.

(*2*) The accounts of the Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

35 (*3*) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected 40 vouchers and other documents and papers and to inspect the offices of the Institute.

(*4*) The accounts of the Institute as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and the Central Government shall cause the same to be laid before each House of Parliament.

45 **29.** (*1*) The Institute shall constitute for the benefits of its employees, including the Director, such pension, insurance and provident fund scheme as it may deem fit, in such manner and subject to such conditions as may be provided by the Statutes.

Pension and provident fund.

(*2*) Where any such provident fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 shall apply to such fund 50 as if it were a Government Provident Fund.

19 of 1925.

30. All appointments of the staff of the Institute, except that of the Director, shall be made with the prior approval of the Central Government and in accordance with the procedure laid down in the Statutes,—

Appointment of staff of Institute.

(*a*) by the Executive Council, if the appointment is made on the academic staff in the post of Assistant Professor or above or if the appointment is made on the non-academic staff in any cadre, the maximum of the pay-scale for which is the same or higher than that of an Assistant Professor; and

(*b*) by the Director, in any other case. 5

Power to make Statutes.

31. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(*a*) the formation of departments of teaching and other academic units;

(*b*) the institution of fellowships, scholarships, exhibitions, medals and prizes;

(*c*) the classification of posts, terms of office, method of appointment, powers and duties and other terms and conditions of service of the officers of the Institute including the Chairperson, the Director, the Registrar and such other officers as may be declared as officers of the Institute by the Statutes; 10

(*d*) the constitution, powers and duties of the authorities of the Institute referred in clause (*c*) of section 11; 15

(*e*) the delegation of powers vested in the authorities or officers of the Institute;

(*f*) the code of conduct, disciplinary actions thereto for misconduct including removal from service of employees on account of misconduct and the procedure for appeal against the actions of an officer or authority of the Institute;

(*g*) the conferment of honorary degrees; 20

(*h*) the establishment and maintenance of halls, residences and hostels;

(*i*) the authentication of the orders and decisions of the Executive Council;

(*j*) any other matter which by this Act is to be, or may be, provided by the Statutes.

Statutes how to be made.

32. (*1*) The first Statutes of the Institute shall be framed by the Central Government with the approval of the Visitor, and a copy of the same shall be laid as soon as may be, after it is made, before each House of Parliament. 25

(*2*) Without prejudice to the provisions contained in sub-section (*1*), the Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereafter in this section provided. 30

(*3*) A new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may assent thereto or withhold such assent or remit it to the Executive Council for consideration.

(*4*) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor. 35

Power to make Ordinances.

33. Subject to the provisions of this Act and the Statutes, the Ordinances of the Institute may provide for all or any of the following matters, namely:—

(*a*) the admission of the students to the Institute;

(*b*) the reservation in admission to various courses or programmes of the Institute for the Scheduled Castes, the Scheduled Tribes and other categories of persons; 40

(*c*) the courses of study to be laid down for all degrees, diplomas and certificates awarded by the Institute;

(*d*) the conditions under which students shall be admitted to the degree, diploma and certificate courses and to the examinations of the Institute and the eligibility conditions for awarding the same; 45

(*e*) the conditions of award of fellowships, scholarships, exhibitions, medals and prizes;

(*f*) the conditions and manner of appointment and duties of examining bodies, examiners and moderators;

(*g*) the conduct of examinations; 50

(*h*) the maintenance of discipline among the students of the Institute;

(*i*) the fees to be charged for courses of study in the Institute and for admission to the examinations of degrees of the Institute;

(*j*) the conditions of residence of students of the Institute and the levying of the fees for residence in the halls and hostels and of other charges; and

5 (*k*) any other matter which by this Act or the Statute is to be, or may be, provided by the Ordinances.

Ordinances how to be made.

34. (*1*) Save as otherwise provided in this section, Ordinances shall be made by the Academic Council.

(*2*) All Ordinances made by the Academic Council shall have effect from such date as 10 it may direct, but every Ordinance so made shall be submitted, as soon as may be, to the Executive Council and shall be considered by the Executive Council at its next succeeding meeting.

(*3*) The Executive Council shall have power by resolution to modify or cancel any such Ordinance and such Ordinance shall from the date of such resolution stand modified 15 accordingly or cancelled, as the case may be.

Conduct of business by authorities of Institute.

35. The authorities of the Institute may have their own rules of procedure, consistent with the provisions of this Act, the Statutes and the Ordinances for the conduct of their own business and that of the committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances.

Tribunal of Arbitration.

20 **36.** *(1)* Any dispute arising out of a contract between the Institute and any of its employees shall, at the request of the employee concerned or at the instance of the Institute, be referred to a Tribunal of Arbitration consisting of one member appointed by the Institute, one member nominated by the employee, and an umpire appointed by the Visitor.

(2) The decision of the Tribunal shall be final and shall not be questioned in any 25 court.

(3) No suit or proceeding shall lie in any court in respect of any matter, which is required by sub-section (*1*) to be referred to the Tribunal of Arbitration.

(4) The Tribunal of Arbitration shall have power to regulate its own procedure.

(5) Nothing contained in any law for the time being in force relating to arbitration 30 shall apply to arbitrations under this section.

CHAPTER VI

MISCELLANEOUS

Acts and proceedings not to be invalidated by vacancies.

37. No act of the Institute or Executive Council or Academic Council or any other body set up under this Act or the Statutes, shall be invalid merely by reason of—

35 (*a*) any vacancy in, or defect in the constitution thereof; or

(*b*) any defect in the election, nomination or appointment, of a person acting as member thereof; or

(*c*) any irregularity in its procedure not affecting the merits of the case.

Grant of degrees, etc., by Institute.

38. Notwithstanding anything contained in the University Grants Commission 3 of 1956. 40 Act, 1956 or any other law for the time being in force, the Institute shall have power to grant degrees and other academic distinctions and titles under this Act:

Provided that the nomenclature of any degree to be granted by the Institute shall be notified by the University Grants Commission with the prior approval of the Central Government.

Sponsored schemes.

39. Notwithstanding anything contained in this Act, whenever the Institute receives funds from any Government, the University Grants Commission or any other agency including industry sponsoring a research scheme, a consultancy assignment, a teaching programme or a chaired professorship or a scholarship, to be executed or endowed at the Institute,—

(*a*) the amount received shall be kept by the Institute separately from the fund of the Institute and utilised only for the purpose of the scheme:

Provided that any money remaining unutilised under this clause shall be transferred to the endowment fund set up under section 27; and

(*b*) the staff required to execute the same shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organisation with prior approval of the Central Government:

Provided that the principles laid down in the General Financial Rules, 2005 shall be followed for approval of sponsored schemes funded by the Central Government.

Meetings of Academic Council and Finance Committee.

40. The Academic Council and the Finance Committee shall meet at such times and follow such procedure, in its meetings (including quorum at such meetings) as may be provided by the Statutes.

Power of Central Government to give directions to Institute.

41. (*1*) The Central Government may give such directions, as it may deem necessary, to the Institute for the effective administration of this Act and the Institute shall comply with such directions.

(*2*) In case of dispute between the Institute and the Central Government, in connection with the exercise of its powers and discharge of its functions by the Institute under this Act, the decision of the Central Government on that dispute, shall be final.

Protection of action taken in good faith.

42. No suit or other legal proceedings shall lie against any officer or employee of the Institute for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

Power to make rules.

43. (*1*) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the form and manner in which the books of account of the Institute shall be maintained under sub-section (*1*) of section 28;

(*b*) any other matter which is required to be, or may be, prescribed.

Statutes, Ordinances and notifications to be published in Official Gazette and to be laid before Parliament.

44. (*1*) Every rule made by the Central Government and every Statute and every Ordinance made or notification issued under this Act shall be published in the Official Gazette.

(*2*) Every rule made by the Central Government, every Statute and every Ordinance made or notification issued under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute, Ordinance or notification or both Houses agree that the Statute, Ordinance or notification should not be made or issued, the Statute, Ordinance or notification shall thereafter have effect only in such modified form

A

BILL

to declare the institution known as the Rajiv Gandhi National Institute of Youth Development, to be an institution of national importance and to provide for its incorporation and for matters connected therewith or incidental thereto.

(As passed by the Houses of Parliament)

MGIPMRND—2774RS(S3)—04-09-2012.

or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinance or notification.

(3) The power to make the Statutes, Ordinances or notifications shall include the 5 power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances, notifications or any of them but no retrospective effect shall be given to any Statute, Ordinance or notification so as to prejudicially affect the interests of any person to whom such Statute, Ordinance or notification may be applicable.

Power to remove difficulties.

45. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central 10 Government may, by order published in the Official Gazette, make such provisions or give such directions not inconsistent with the provisions of this Act, as appears it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

15 (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Transitional provisions.

46. Notwithstanding anything contained in this Act,—

(a) the Advisory Board and the Executive Council of the existing Institute functioning as such immediately before the commencement of this Act shall continue 20 to so function until an Executive Council is constituted for the Institute under this Act, but on the constitution of a new Executive Council under this Act, the members of the Advisory Board and Executive Council holding office before such constitution shall cease to hold office; and

(b) until the first Statutes and the Ordinances are made under this Act, the 25 Statutes and the Ordinances of the existing Institute, or notification as in force, immediately before the commencement of this Act, shall continue to apply to the Institute in so far as they are not inconsistent with the provisions of this Act.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2013.

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक "छत्तीसगढ़/दुर्ग/09/2012-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 317-J] रायपुर, गुरुवार, दिनांक 18 जुलाई 2013—आषाढ़ 27, शक 1935

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, कैपिटल काम्प्लेक्स, नया रायपुर

रायपुर, दिनांक 19 जुलाई 2013

क्र. 6160/डी. 158/21-अ/प्रा./छ.ग./13.—भारत सरकार, विधि और न्याय मंत्रालय के पत्र क्र. F. 1 (38)/11-L.I./ नई दिल्ली, दिनांक 03-05-2013 के अनुसरण में दी केमिकल विपन्स कनवेन्शन (अमेंडमेंट) एक्ट, 2012 (नं. 36 ऑफ 2012) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सुषमा सावंत, अतिरिक्त सचिव.

THE CHEMICAL WEAPONS CONVENTION (AMENDMENT) ACT, 2012

An Act

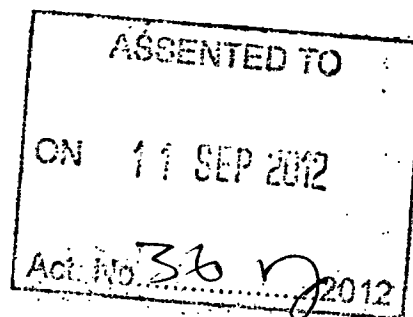
to amend the Chemical Weapons Convention Act, 2000.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Chemical Weapons Convention (Amendment) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

317-J

634 (75)

Bill No. XXII-F of 2010

THE CHEMICAL WEAPONS CONVENTION (AMENDMENT) BILL, 2012

(AS PASSED BY THE HOUSES OF PARLIAMENT)

A

BILL

to amend the Chemical Weapons Convention Act, 2000.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Chemical Weapons Convention (Amendment) Act, 2012.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 9.

2. In the Chemical Weapons Convention Act, 2000 (hereinafter referred to as the principal Act), in section 9, in sub-section (*1*),— 34 of 2000.

(*a*) after the words "National Authority", the words "or of the Central Government" shall be inserted;

(*b*) the following proviso shall be inserted, namely:—

"Provided that such officers shall fulfil the prescribed criteria.".

Substitution of new section for section 16.

3. For section 16 of the principal Act, the following section shall be substituted, namely:—

Restriction on transfer of Toxic Chemical or Precursor listed in Schedule 2.

"16. No person shall transfer to, or receive from, a State which is not a party to the Convention or any person who is not a citizen of a State Party, any Toxic Chemical or Precursor listed in Schedule 2 in the Annex on Chemicals to the Convention.".

Amendment of section 18.

4. In section 18 of the principal Act,—

(*a*) in sub-section (*1*), in the opening portion, for the words "Every person who is", the words "Subject to such exemptions and thresholds as may be prescribed, every person who is" shall be substituted;

(*b*) in sub-section (*2*), in the opening portion, for the words "No person, who after the commencement of this Act", the words "Subject to such exemptions and thresholds as may be prescribed, no person, who after the coming into force of this section" shall be substituted;

(*c*) in sub-section (*4*), after the words "a certificate of registration", the words "subject to such terms and conditions as may be prescribed" shall be inserted;

(*d*) after sub-section (*5*), the following sub-section shall be inserted, namely:—

"(*6*) Every person, to whom a certificate of registration is granted under sub-section (*4*), shall furnish to the Central Government periodically, or, as and when required, such information, declaration or return as may be prescribed.".

Amendment of section 42.

5. In section 42 of the principal Act, for the words "any person", the words "a State which is not a State Party or any person" shall be substituted.

Amendment of section 56.

6. In section 56 of the principal Act, in sub-section (*2*),—

(*a*) after clause (*b*), the following clause shall be inserted, namely:—

"(*ba*) the criteria which the officers are required to fulfil under sub-section (*1*) of section 9";

(*b*) for clause (*c*), the following clause shall be substituted, namely:—

"(*c*) the exemptions and thresholds under sub-sections (*1*) and (*2*) of section 18, the form of application, the particulars to be contained in the application form, the form of certificate of registration, the manner of making application, the amount of fee payable, the procedure to be followed in granting or cancelling certificate of registration under sub-section (*3*) of section 18, the terms and conditions for granting a certificate of registration under sub-section (*4*) of section 18, the period for which a renewed certificate of registration may be issued and the amount of fee payable therefor under sub-section (*5*) of section 18 and information, declaration or return to be furnished under sub-section (*6*) of that section;".

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2013.

IInd राजपत्र हेतु 21 9 13

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक "छत्तीसगढ़/दुर्ग/09/2012-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 317-K] रायपुर, गुरुवार, दिनांक 18 जुलाई 2013—आषाढ़ 27, शक 1935

विधि और विधायी कार्य विभाग

मंत्रालय, महानदी भवन, कैपिटल काम्प्लेक्स, नया रायपुर

रायपुर, दिनांक 19 जुलाई 2013

क्र. 6160/डी. 158/21-अ/प्रा./छ.ग./13.—भारत सरकार, विधि और न्याय मंत्रालय के पत्र क्र. F. 1 (38)/11-L.I./ नई दिल्ली, दिनांक 03-05-2013 के अनुसरण में दी ऑल-इन्डिया इन्स्टीट्यूट आफ मेडिकल साईंसेस (अमेंडमेंट) एक्ट, 2012 (नं. 37 ऑफ 2012) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सुषमा सावंत, अतिरिक्त सचिव.

THE ALL-INDIA INSTITUTE OF MEDICAL SCIENCES (AMENDMENT) ACT, 2012

An Act

further to amend the All-India Institute of Medical Sciences Act, 1956.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the All-India Institute of Medical Sciences (Amendment) Act, 2012.

(*2*) It shall be deemed to have come into force on the 16th day of July, 2012.

Amendment of long title.

25 of 1956.

2. In the All-India Institute of Medical Sciences Act, 1956 (hereinafter referred to as the principal Act), in the long title, for the words "an All-India Institute of Medical Sciences", the words "All-India Institutes of Medical Sciences" shall be substituted.

Amendment of section 1.

3. In section 1 of the principal Act, in sub-section (*1*), for the words "All-India Institute of Medical Sciences", the words "All-India Institutes of Medical Sciences" shall be substituted.

Amendment of section 2.

4. In section 2 of the principal Act,—

(*A*) for clause (*a*), the following clauses shall be substituted, namely:—

'(*a*) "corresponding Institute" means the Institutes referred to in column (3) of the Table given under section 27A;

24-10-13

(*aa*) "existing Institute" means the All-India Institute of Medical Sciences,—

(*i*) established under sub-section (*1*) of section 3, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012; and

(*ii*) located at New Delhi, as required under section 12 as it stood before such commencement;

(*ab*) "Fund" means the Fund of the Institute referred to in section 16;';

(*B*) in clause (*c*), after the words and figure "under section 3", the words, brackets and figures "and includes the corresponding Institutes and other Institutes which may be established on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012" shall be inserted;

(*C*) after clause (*f*), the following clause shall be inserted at the end, namely:—

'(*g*) "society" means the society referred to in column (2) of the Table given under section 27A.'.

Amendment of section 3.

5. In section 3 of the principal Act,—

(*a*) in sub-section (*1*), the following proviso shall be inserted, namely:—

"Provided that the Central Government may, on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, establish by notification in the Official Gazette, such other All-India Institutes of Medical Sciences at such places as it may specify in the said notification in addition to the existing Institute and the corresponding Institutes.";

(*b*) in sub-section (*2*), for the words "The Institute", the words "Every Institute" shall be substituted.

Amendment of section 4.

6. In section 4 of the principal Act,—

(*i*) in the opening portion, for the words "The Institute", the words "Every Institute" shall be substituted;

(*ii*) for clause (*a*), the following clauses shall be substituted, namely:—

"(*a*) in the case of existing Institute, the Vice-Chancellor of the Delhi University, *ex officio;*

(*aa*) in the case of every other Institute established on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, the Vice-Chancellor of a University situated in a State in which such Institute has been established after such commencement and such Vice-Chancellor shall be nominated by the Central Government;".

Substitution of new section for section 5.

7. For section 5 of the principal Act, the following section shall be substituted, namely:—

Declaration of Institutes as institution of national importance.

"5. (*1*) It is hereby declared that the existing Institute declared as an institution of national importance, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, under section 5 as it stood before such commencement, shall continue to be an institution of national importance.

(*2*) It is hereby declared that every corresponding Institute shall be an institution of national importance.

(*3*) It is hereby declared that every Institute established under the proviso to sub-section (*1*) of section 3, on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be an institution of national importance.".

8. In section 7 of the principal Act, in sub-section (*1*),—

Amendment of section 7.

(*a*) for the words "President of the Institute", the words "President for every Institute" shall be substituted;

(*b*) the following proviso shall be inserted, namely:—

"Provided that the President of the existing Institute shall also be the President of every corresponding Institute and other Institutes established on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, till such date the Central Government nominates a separate President for every corresponding Institute and other Institutes established after such commencement.".

9. In section 8 of the principal Act,—

Amendment of section 8.

(*a*) for the words "from the Institute", the words "from the Institute of which they are the President and members" shall be substituted;

(*b*) the following proviso shall be inserted, namely:—

"Provided that in case a person is a President of two or more Institutes, the allowances shall be borne by the Institutes in such proportion as may be prescribed by rules.".

10. In section 9 of the principal Act,—

Amendment of section 9.

(*a*) for the words "The Institute shall", the words "Every Institute shall" shall be substituted;

(*b*) for the words "the Institute shall meet", the words "every Institute shall meet" shall be substituted;

(*c*) the following proviso shall be inserted, namely:—

"Provided that the provisions relating to holding of the first meeting shall not apply to the existing Institute.".

11. In section 10 of the principal Act,—

Amendment of section 10.

(*a*) in sub-section (*1*),—

(*i*) for the words "a Governing Body of the Institute which shall be constituted by the Institute", the words "separate Governing Body for every Institute which shall be constituted by such Institute" shall be substituted;

(*ii*) the following proviso shall be inserted, namely:—

"Provided that the Governing Body of the existing Institute, constituted before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be deemed to have been constituted under this section.";

(*b*) in sub-sections (*2*) and (*3*), for the words "the Institute", the words "every Institute" shall be substituted;

(*c*) in sub-section (*5*),—

(*i*) for the words "the Institute may constitute", the words "every Institute may constitute" shall be substituted;

(*ii*) for the words "functions of the Institute", the words "functions of such Institute" shall be substituted;

(*d*) in sub-section (*6*),—

(*i*) for the words "members of the Institute; but an *ad hoc* committee may include persons who are not members of the Institute", the words "members of

every Institute; but an *ad hoc* committee may include persons who are not members of such Institute" shall be substituted;

(*ii*) the following proviso shall be inserted, namely:—

"Provided that the Standing Committee of the existing Institute constituted, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be deemed to have been constituted under this section.".

Amendment of section 11.

12. In section 11 of the principal Act, in sub-section (*1*),—

(*a*) for the words "chief executive officer of the Institute", the words "chief executive officer of every Institute" shall be substituted;

(*b*) for the words "Director of the Institute", the words "Director of such Institute" shall be substituted;

(*c*) for the proviso, the following provisos shall be substituted, namely:—

"Provided that the first Director of every Institute (other than the existing Institute), established on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be appointed by the Central Government:

Provided further that in case a Director of a society has been appointed by the Central Government before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, such Director shall be deemed to be the first Director of the concerned corresponding Institute.".

Substitution of new section for section 12.

13. For section 12 of the principal Act, the following section shall be substituted, namely:—

Location of Institutes.

"12. (*1*) The existing Institute shall be located at New Delhi.

(*2*) All corresponding Institutes shall be located at the places mentioned in column (3) of the Table given under section 27A.

(*3*) All Institutes [other than the existing Institute and corresponding Institutes referred to in sub-sections (*1*) and (*2*)] shall be located at such places as the Central Government may, by notification in the Official Gazette, specify.".

Amendment of section 13.

14. In section 13 of the principal Act, in the opening portion, for the words "the Institute", the words "every Institute" shall be substituted.

Amendment of section 14.

15. In section 14 of the principal Act, in the opening portion, for the words "the Institute", the words "every Institute" shall be substituted.

Amendment of section 15.

16. In section 15 of the principal Act, for the words "the Institute", the words "every Institute" shall be substituted.

Amendment of section 16.

17. In section 16 of the principal Act, in sub-section (*1*),—

(*i*) for the words "The Institute", the words "Every Institute" shall be substituted;

(*ii*) after clause (*d*), the following proviso shall be inserted, namely:—

"Provided that the Fund maintained by the existing Institute and the society, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be deemed to be the Fund maintained under this section.".

18. In section 17 of the principal Act,— Amendment of section 17.

(*a*) for the words "The Institute shall prepare", the words "Every Institute shall prepare" shall be substituted;

(*b*) for the words "expenditure of the Institute", the words "expenditure of the concerned Institute" shall be substituted.

19. In sections 18 and 19 of the principal Act, for the words "The Institute" and "the Institute", wherever they occur, the words "Every Institute" and "every Institute" shall, respectively, be substituted. Amendment of sections 18 and 19.

20. In section 20 of the principal Act, in sub-section (*1*),— Amendment of section 20.

(*a*) for the words "The Institute", the words "Every Institute" shall be substituted;

(*b*) the following proviso shall be inserted, namely:—

"Provided that the pension and provident fund constituted by the existing Institute or society, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be deemed to be the pension and provident fund under this section.".

21. In section 21 of the principal Act,— Amendment of section 21.

(*a*) for the words "decisions of the Institute", the words "decisions of every Institute" shall be substituted;

(*b*) for the words "officer of the Institute", the words "officer of every Institute" shall be substituted.

22. In sections 22, 23, 24, 25 and 27 of the principal Act, for the words "The Institute" and "the Institute", wherever they occur, the words "Every Institute" and "every Institute" shall, respectively, be substituted. Amendment of sections 22, 23, 24, 25 and 27.

23. After section 27 of the principal Act, the following sections shall be inserted, namely:— Insertion of new sections 27A, 27B, 27C and 27D.

Incorporation of Institute registered as society under the Societies Registration Act, 1860.

"27A. Each of the Institute, registered as society under the Societies Registration Act, 1860 and mentioned in column (2) of the Table below shall be a body corporate having perpetual succession and common seal and shall by its name mentioned in column (3) of that Table, sue and be sued: 21 of 1860.

TABLE

LIST OF SOCIETIES INCORPORATED AS ALL-INDIA INSTITUTES OF MEDICAL SCIENCES

Serial Number	Society	Corresponding Institute and place of its location
(1)	(2)	(3)
1.	All-India Institute of Medical Sciences, Bhopal	All-India Institute of Medical Sciences, Bhopal (Madhya Pradesh).
2.	All- India Institute of Medical Sciences, Bhubaneswar	All-India Institute of Medical Sciences, Bhubaneswar (Odisha).
3.	All- India Institute of Medical Sciences, Jodhpur	All-India Institute of Medical Sciences, Jodhpur (Rajasthan).
4.	All- India Institute of Medical Sciences, Patna	All-India Institute of Medical Sciences, Patna (Bihar).

(1)	(2)	(3)
5.	All- India Institute of Medical Sciences, Raipur	All-India Institute of Medical Sciences, Raipur (Chhattisgarh).
6.	All- India Institute of Medical Sciences, Rishikesh	All-India Institute of Medical Sciences, Rishikesh (Uttarakhand).

Effect of incorporation of Institutes.

27B. (*1*) On and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012,—

(*a*) any reference to a society in any law, other than this Act, or in any contract or other instrument, shall be deemed as a reference to the corresponding Institute;

(*b*) all property, movable and immovable, of or belonging to a society shall vest in the corresponding Institute;

(*c*) all the rights and liabilities of a society shall be transferred to, and be the rights and liabilities of, the corresponding Institute;

(*d*) subject to the provisions of this Act, every person (including Director, officers and other employees) who is employed in the society, immediately before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall, on and after such commencement, become an employee of the corresponding Institute and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same on the date of the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, as if the said Act had not been promulgated, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by regulations:

Provided that the tenure, remuneration and terms and conditions of service of any such person shall not be altered to his disadvantage without the previous approval of the Central Government;

(*e*) the governing body of every society, shall, from the date of constitution of the Governing Body under sub-section (*1*) of section 10, stand dissolved and no chairperson or other person shall be entitled to any compensation for the premature termination of the term of his office or of any contract of service;

(*f*) all committees (including Standing Committee, if any) of the society shall stand dissolved;

(*g*) any examination conducted by the existing Institute for admission of candidates for award of medical degrees and diplomas by such society shall be valid examination and be deemed to have been conducted by the corresponding Institute.

(*2*) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, absorption of any employee by the corresponding Institutes in its regular service under this section shall not entitle such employee to any compensation under this Act or any other law and no such claim shall be entertained by any court, tribunal or other authority.

14 of 1947.

Provisions of this Act to apply to societies incorporated into All-India Institutes of Medical Sciences under section 27A.

27C. All provisions of this Act shall, *mutatis mutandis*, apply to the societies, referred to in column (2) of the Table given under section 27A, incorporated into All-India Institutes of Medical Sciences referred to in column (3) of the said Table.

A

BILL

further to amend the All-India Institute of Medical Sciences Act, 1956.

(As passed by the Houses of Parliament)

GMGIPMRND—2910RS(S3)—17.09.2012.

27D. (*1*) The Central Government may, if it is of the opinion that certain measures are required for speedy and effective functioning of corresponding Institutes (other than the existing Institute), by notification in the Official Gazette, specify such measures as it may consider necessary for the smooth and effective functioning of such Institutes:

Power to make transitory provisions for Institutes (other than existing Institute).

Provided that no such notification shall be issued under this section, after the expiry of a period of two years from the date of commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012.

(*2*) Every notification issued under this section shall be laid, as soon as may be after it is made, before each House of Parliament.".

Amendment of section 28.

24. In section 28 of the principal Act,—

(*a*) in sub-section (*1*), for the words "the Institute", the words "all the Institutes" shall be substituted;

(*b*) in sub-section (*2*),—

(*i*) for the words "the Institute", wherever they occur, the words "every Institute" shall be substituted;

(*ii*) after clause (*a*), the following clause shall be inserted, namely:—

"(*aa*) the proportion of allowances of the President to be borne by the Institutes under the proviso to section 8;".

Amendment of section 29.

25. In section 29 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) in the opening portion, for the words "The Institute", the words "Every Institute" shall be substituted;

(*ii*) after clause (*n*), the following proviso shall be inserted, namely:—

"Provided that the regulations made by the existing Institute, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall continue to be the regulations made under this section until such regulations are amended or rescinded by the existing Institute in accordance with the provisions of this section.";

(*b*) in sub-section (*2*), the following proviso shall be inserted, namely:—

"Provided that every corresponding Institute shall, within three months of the date of the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, make regulations.".

Ord. 1 of 2012.

Repeal and saving.

26. (*1*) The All- India Institute of Medical Sciences (Amendment) Ordinance, 2012, is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2013.

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2012-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 317-L] रायपुर, गुरुवार, दिनांक 18 जुलाई 2013—आषाढ़ 27, शक 1935

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, कैपिटल काम्प्लेक्स, नया रायपुर

रायपुर, दिनांक 19 जुलाई 2013

क्र. 6160/डी. 158/21-अ/प्रा./छ.ग./13.—भारत सरकार, विधि और न्याय मंत्रालय के पत्र क्र. F. 1 (38)/11-L.I./ नई दिल्ली, दिनांक 03-05-2013 के अनुसरण में दी नेशनल इन्स्टीट्यूट आफ मेन्टल हेल्थ एन्ड न्युरो-साईन्सेस बैंग्लोर एक्ट, 2012 (नं. 38 ऑफ 2012) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुनः प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सुषमा सावंत, अतिरिक्त सचिव.

THE NATIONAL INSTITUTE OF MENTAL HEALTH AND NEURO-SCIENCES, BANGALOR
ACT, 2012

ARRANGEMENT OF CLAUSES

फायनल 24-10-13

THE NATIONAL INSTITUTE OF MENTAL HEALTH AND NEURO-SCIENCES, BANGALOR ACT, 2012

An Act

to declare the institution known as the National Institute of Mental Health and Neuro-Sciences, Bangalore, to be an institution of national importance and to provide for its incorporation and for matters connected therewith.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the National Institute of Mental Health and Neuro-Sciences, Bangalore Act, 2012.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Declaration of National Institute of Mental Health and Neuro-Sciences, Bangalore, as an institution of national importance.

2. Whereas the objects of the National Institute of Mental Health and Neuro-Sciences, Bangalore are such as to make the institution one of national importance, it is hereby declared that the National Institute of Mental Health and Neuro-Sciences, Bangalore is an institution of national importance.

Definitions.

3. In this Act, unless the context otherwise requires,—

(a) "Fund" means the Fund of the Institute referred to in section 17;

(b) "Governing Body" means the Governing Body of the Institute;

(c) "Institute" means the institution known as the National Institute of Mental Health and Neuro-Sciences, Bangalore, incorporated under this Act;

(d) "member" means a member of the Institute;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "specified" means specified by regulations made under this Act.

Incorporation of Institute.

4. The National Institute of Mental Health and Neuro-Sciences, Bangalore, an Institute registered under the Karnataka Societies Registration Act, 1960 on the 27th day of December, 1974, is hereby constituted a body corporate by the name aforesaid and as such body corporate, it shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract and shall, by that name, sue and be sued.

Karnataka Act, XVII of 1960.

Composition of Institute.

5. *(1)* The Institute shall consist of the following members, namely:—

(a) the Minister of Health and Family Welfare, *ex officio*;

(b) the Minister of Health and Family Welfare (Medical Education), Government of Karnataka, *ex officio*;

(c) Secretary to the Government of India in the Ministry or Department of Health and Family Welfare, *ex officio;*

(d) the Director of the Institute, *ex officio;*

(e) Secretary to the Government of India or his nominee (not below the rank of Joint Secretary) Ministry of Finance, Department of Expenditure, *ex officio;*

(f) Secretary to the Government of India or his nominee (not below the rank of Joint Secretary) in the Department of Higher Education, Ministry of Human Resource Development, *ex officio;*

(g) the Director-General of Health Services, Government of India, *ex officio;*

(h) the Vice-Chancellor of Rajiv Gandhi University of Health Sciences, Karnataka, *ex officio;*

(i) the Chief Secretary to the Government of Karnataka or his nominee who shall not be below the rank of Secretary to that Government;

(j) seven persons of whom one shall be a non-medical scientist representing the Indian Sciences Congress Association, and, one each from biological; behavioural and physical sciences, of repute, from any University to be nominated by the Central Government in such manner as may be prescribed;

(k) four representatives of medical faculties of Indian Universities, of whom one shall be from the National Institute of Mental Health and Neuro-Sciences, to be nominated by the Central Government in such manner as may be prescribed;

(l) three Members of Parliament of whom two shall be elected from among themselves by the members of the House of the People and one from among themselves by the members of the Council of States.

(2) It is hereby declared that the office of member of the Institute shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

Term of office of and vacancies among members.

6. *(1)* Save as otherwise provided in this section, the term of office of a member shall be five years from the date of his nomination or election.

(2) The term of office of a member elected under clause *(l)* of sub-section *(1)* of section 5 shall come to an end as soon as he becomes a Minister or Minister of State or Deputy Minister or the Speaker or the Deputy Speaker of the House of the People or the Deputy Chairman of the Council of States or ceases to be a member of the House from which he was elected.

(3) The term of office of an *ex officio* member shall continue so long as he holds the office by virtue of which he is such a member.

(4) The term of office of a member nominated or elected to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he is nominated or elected.

(5) An outgoing member other than a member elected under clause *(l)* of sub-section *(1)* of section 5 shall continue in office until another person is nominated as a member in his place or for a period of three months, whichever is earlier:

Provided that the Central Government shall nominate a member in place of an outgoing member within the said period of three months.

(6) An outgoing member shall be eligible for re-nomination or re-election.

(7) A member may resign his office by writing under his hand addressed to the Central Government but he shall continue in office until his resignation is accepted by that Government.

(8) The manner of filling vacancies among members shall be such as may be prescribed.

Powers and functions of President.

7. *(1)* There shall be a President of the Institute who shall be nominated by the Central Government from amongst the members other than the Director of the Institute.

(2) The President shall exercise such powers and discharge such functions as are laid down in this Act or as may be prescribed.

Vice-President of Institute.

8. There shall be a Vice-President of the Institute who shall be nominated by the Central Government from amongst the members other than the Director of the Institute.

Allowances of President, Vice-President and other members.

9. The President, Vice-President and other members shall receive such allowances from the Institute as may be prescribed.

Meetings of Institute.

10. The Institute shall hold its first meeting at such time and place as may be appointed by the Central Government and shall observe such rules of procedure in regard to the transaction of business at the first meeting as may be laid down by that Government, and thereafter, the Institute shall meet at such times and places and observe such rules of procedure in regard to the transaction of business at its meetings as may be specified.

Governing Body and other committees of Institute.

11. (*1*) There shall be a Governing Body of the Institute which shall be constituted by the Institute in such manner as may be specified :

Provided that the number of persons who are not members of the Institute shall not exceed one-third of the total membership of the Governing Body.

(*2*) The Governing Body shall be the executive committee of the Institute and shall exercise such powers and discharge such functions as the Institute may specify in this behalf.

(*3*) The President of the Institute shall be the Chairperson of the Governing Body and as Chairperson thereof he shall exercise such powers and discharge such functions as may be specified.

(*4*) The procedure to be followed in the exercise of its powers and discharge of its functions by the Governing Body, and the term of office of, and the manner of filling vacancies among the members of the Governing Body shall be such as may be specified.

(*5*) Subject to such control and restrictions as may be prescribed, the Institute may constitute as many standing committees and as many *ad hoc* committees as it thinks fit for exercising any power or discharging any function of the Institute or for inquiring into, or reporting or advising upon, any matter which the Institute may refer to them.

(*6*) The Chairperson and members of the Governing Body and the Chairperson and the members of a standing committee or an *ad hoc* committee shall receive such allowances, as may be specified.

Staff of Institute.

12. (*1*) There shall be a chief executive officer of the Institute who shall be designated as the Director of the Institute and shall, subject to such rules as may be prescribed, be appointed by the Institute:

Provided that the first Director of the Institute shall be appointed by the Central Government.

(*2*) The Director shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier.

(*3*) The Director shall act as the Secretary to the Institute as well as the Governing Body.

(*4*) The Director shall exercise such powers and discharge such functions as may be specified or as may be delegated to him by the Institute or the President of the Institute or the Governing Body or the Chairperson of the Governing Body.

(*5*) Subject to such rules as may be prescribed, the Institute may appoint such number of other officers and employees as may be necessary for the exercise of its powers and discharge of its functions and the designations and grades of other officers and employees shall be such as may be specified.

(*6*) Subject to such rules as may be prescribed, the Director and other officers and employees of the Institute shall be entitled to such salary and allowances and shall be governed by such conditions of service in respect of leave, pension, provident fund and other matters as may be specified.

Objects of Institute.

13. The objects of the Institute shall be—

(*a*) to develop patterns of teaching in undergraduate and postgraduate medical education in all its branches with a focus on mental health, neuro-sciences and allied specialities so as to demonstrate a high standard of medical education;

(*b*) to bring together, as far as may be, in one place educational facilities of the highest order for the training of personnel in all important branches of health activity;

(*c*) to attain self-sufficiency in postgraduate medical education to meet the country's needs for specialists and medical teachers, particularly in the field of mental health, neuro-sciences and allied specialties;

(*d*) to evolve innovative strategies to offer diagnostic and comprehensive therapeutic service facilities in the field of mental health and neuro-sciences, utilising the advances in information technology;

(*e*) to make an in-depth study and research in the field of mental health, neuro-sciences and allied specialities.

Functions of Institute.

14. With a view to the promotion of the objects specified in section 13, the Institute may—

(*a*) provide for undergraduate and postgraduate teaching in the science of modern medicine and other allied sciences including physical and biological sciences;

(*b*) provide facilities for research in the various branches of such sciences;

(*c*) provide for the teaching of humanities;

(*d*) conduct experiments in new methods of medical education, both undergraduate and postgraduate, in order to arrive at high standard of such education;

(*e*) specify courses and curricula for both undergraduate and postgraduate studies;

(*f*) notwithstanding anything contained in any other law for the time being in force, establish and maintain,—

(*i*) one or more medical institutions with different departments staffed and equipped to undertake education and conduct research in different subjects,

(*ii*) one or more well equipped hospitals to provide clinical services,

(*iii*) nursing colleges staffed and equipped for the training of nurses,

(*iv*) rural and urban health centres which will form centres for the field training of the medical and nursing students of the Institute, and

(*v*) other institutions for the training of different types of health workers such as physiotherapists, occupational therapists and medical technicians of various kinds;

(*g*) trained teachers from different medical colleges in India;

(*h*) hold examinations and grant such degrees, diplomas and other academic distinctions and titles in undergraduate and postgraduate medical, nursing and allied specialities education as may be laid down in the regulations;

(*i*) induct and appoint persons as professors, readers, lecturers and in posts of other description in accordance with regulations;

(*j*) receive grants from the Government and gifts, donations, benefactions, bequests and transfers of properties, both movable and immovable, from donors, benefactors, testators or transferors, as the case may be;

(*k*) deal with any property belonging to, or vested in, the Institute in any manner which is considered necessary for promoting the objects specified in section 12;

(*l*) demand and receive with the prior approval of the Central Government such fees and other charges as may be specified;

(*m*) construct quarters for its staff and allot such quarters to the staff in accordance with such regulations as may be made in this behalf;

(*n*) borrow money, with the prior approval of the Central Government, on the security of the property of the Institute;

(*o*) do all such other acts and things as may be necessary in furtherance of the objects specified in section 13.

Vesting of property.

Karnataka Act XVII of 1960.

15. (*1*) The properties of the National Institute of Mental Health and Neuro-Sciences, Bangalore, registered under the Karnataka Societies Registration Act, 1960 shall, on the date of commencement of this Act, vest in the Institute.

(*2*) All income and property of the Institute shall be applied towards the promotion of the objects thereof as set forth in this Act.

(*3*) No portion of the income and property of the Institute shall be paid or transferred, directly or indirectly, by way of profit to the persons, who at any time, or have been members of the Institute:

Provided that nothing herein contained shall prevent the payment of remuneration and other allowances to any member thereof or other persons for the services rendered to the Institute.

Payment to Institute.

16. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Institute in each financial year such sums of money and in such manner as may be considered necessary for the exercise of its powers and discharge of its functions under this Act.

Fund of Institute.

17. (*1*) The Institute shall maintain a Fund to which shall be credited—

(*a*) all moneys provided by the Central Government and the State Government of Karnataka;

(*b*) all fees and other charges received by the Institute;

(*c*) all moneys received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers; and

(*d*) all moneys received by the Institute in any other manner or from any other source.

(*2*) All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Institute may, with the approval of the Central Government, decide.

(*3*) The Fund shall be applied towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its functions under section 14.

Budget of Institute.

18. The Institute shall prepare in such form and at such time every year a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Institute and shall forward to the Central Government such number of copies thereof as may be prescribed.

Accounts and audit.

19. (*1*) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as the Central Government may prescribe, and in accordance with such general directions as may be issued by that Government, in consultation with the Comptroller and Auditor-General of India.

(*2*) The accounts of the Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

(*3*) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the Institute as well as of the institutions established and maintained by it.

(*4*) The accounts of the Institute as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both the Houses of Parliament.

Annual report.

20. The Institute shall prepare for every year a report of its activities during that year and submit the report to the Central Government in such form and on or before such date as may be prescribed and a copy of this report shall be laid before both Houses of Parliament within one month of its receipt.

Pension and provident funds.

21. (*1*) The Institute shall constitute for the benefit of its officers, teachers and other employees in such manner and subject to such conditions as may be specified such pension and provident funds as it may deem fit.

(*2*) Where any such pension or provident fund has been constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 shall apply to, such fund as if it were a Government Provident Fund.

19 of 1925.

Authentication of orders and instruments of Institute.

22. All orders and decisions of the Institute shall be authenticated by the Director or any other member authorised by the Institute in this behalf and all other instruments shall be authenticated by the signature of the Director or such officers as may be authorised by the Institute.

Acts and proceedings not to be invalidated by vacancies, etc.

23. No act done or proceeding taken by the Institute, Governing Body or any standing or *ad hoc* committee under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of the Institute, Governing Body or such standing or *ad hoc* committee.

Grant of medical degrees, diplomas, etc., by Institute.

24. Notwithstanding anything contained in any other law for the time being in force, the Institute shall have the power to grant medical and nursing degrees, diplomas, certificates and other academic distinctions and titles under this Act.

102 of 1956.
34 of 1992.
48 of 1947.
3 of 1956.

Recognition of medical qualifications granted by Institute.

25. Notwithstanding anything contained in the Indian Medical Council Act, 1956, the Rehabilitation Council of India Act, 1992, the Indian Nursing Council Act, 1947 and the University Grants Commission Act, 1956, the medical degrees, diplomas, nursing degrees and certificates granted by the Institute under this Act shall be recognised medical qualifications for the purposes of the Acts aforesaid and shall be deemed to be included in the Schedule to the respective Acts.

Control by Central Government.

26. The Institute shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

Resolution of differences.

27. If in, or in connection with, the exercise of its powers and discharge of its functions by the Institute under this Act, any dispute or difference arises between the Institute and the Central Government, the decision of the Central Government thereon shall be final.

Returns and information.

28. The Institute shall furnish to the Central Government such reports, returns and other information as that Government may require from time to time.

Transfer of service of existing employees.

29. Subject to the provisions of this Act, every person who is employed in the National Institute of Mental Health and Neuro-Sciences, Bangalore, immediately before the commencement of this Act, shall, on and from such commencement, become an employee of the Institute and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same on the date of commencement of this Act if this Act had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by regulations:

Provided that the tenure, remuneration and terms and conditions of service of any such person shall not be altered to his disadvantage without the previous approval of the Central Government.

Power to make rules.

30. (*1*) The Central Government may in consultation with the Institute by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner of nomination of members under clauses (*j*) and (*k*) of sub-section (*1*) of section 5;

(*b*) the manner of filling vacancies of members under sub-section (*8*) of section 6;

(*c*) the powers and functions to be exercised and discharged by the President of the Institute under sub-section (*2*) of section 7;

(*d*) the allowances to be paid to the President and other members of the Institute under section 9;

(*e*) the control and restrictions in relation to the constitution of standing and *ad hoc* committees under sub-section (*5*) of section 11;

(*f*) appointment of Director and other officers and employees and salaries and allowances and other conditions of service of the Director and other officers and employees of the Institute under section 12;

(*g*) the form in which, and the time at which, the budgets and reports shall be prepared by the Institute under section 18;

(*h*) the form of annual statement of accounts including balance-sheet under sub-section (*1*) of section 19;

(*i*) the form of annual report under section 20;

(*j*) any other matter which has to be or may be prescribed by rules.

Power to make regulations.

31. (*1*) The Institute with the previous approval of the Central Government, may by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act, and without prejudice to the generality of this power, such regulations may provide for—

(*a*) the summoning and holding of meetings, other than the first meeting, of the Institute, the time and place where such meetings are to be held and the conduct of business at such meetings under section 10;

(*b*) the manner of constituting the Governing Body and standing and *ad hoc* committees, the term of office of, and the manner of filling vacancies therein, the allowances to be paid to the members and the procedure to be followed by the Governing Body; standing and *ad hoc* committees in the conduct of their business, exercise of their power, discharge of their function under section 11;

(*c*) the powers and duties of the Director of the Institute under sub-section (*4*), the designations and grades of other officers and employees under sub-section (*5*) and other conditions of service under sub-section (*6*) of section 12;

(*d*) the power of the Institute under section 14, to specify—

(*i*) courses and curricula for undergraduate and postgraduate studies under clause (*e*);

(*ii*) hold examination and grant degrees, diplomas, certificates and other academic distinctions and titles under clause (*h*);

(*iii*) the professorships, readerships, lecturerships and other posts which may be instituted and persons who may be appointed to such posts under clause (*i*);

(*iv*) the management of the properties of the Institute under clauses (*k*) and (*m*);

(*v*) the fees and other charges which may be demanded and received by the Institute under clause (*l*);

(*e*) the manner in which, and the conditions subject to which, pension and provident funds may be constituted for the benefit of officers, teachers and other employees of the Institute under sub-section (*1*) of section 21;

(*f*) any other matter for which under this Act provisions may be made by regulations.

(*2*) Notwithstanding anything contained in sub-section (*1*), the first regulations under this Act shall be made by the Central Government; and any regulations so made may be altered or rescinded by the Institute in exercise of its powers under sub-section (*1*).

Laying of rules and regulations before Parliament.

32. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Power to remove difficulties.

33. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2013.

ाचन हेतु ४३-९-13

A

BILL

to declare the institution known as the National Institute of Mental Health and Neuro-Sciences, Bangalore, to be an institution of national importance and to provide for its incorporation and for matters connected therewith.

(As passed by the Houses of Parliament)

GMGIPMRND—2938LS(S3)—19-09-2012.

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक "छत्तीसगढ़/दुर्ग/09/2012-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 317-M] रायपुर, गुरुवार, दिनांक 18 जुलाई 2013—आषाढ़ 27, शक 1935

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, कैपिटल काम्प्लेक्स, नया रायपुर

रायपुर, दिनांक 19 जुलाई 2013

क्र. 6160/डी. 158/21-अ/प्रा./छ.ग./13.—भारत सरकार, विधि और न्याय मंत्रालय के पत्र क्र. F. 1 (38)/11-L.I./ नई दिल्ली, दिनांक 03-05-2013 के अनुसरण में दी नार्थ-ईस्टर्न एरियाज (रिआर्गनाईजेशन) अमेंडमेंट एक्ट, 2012 (नं. 39 ऑफ 2012) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुनः प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सुषमा सावंत, अतिरिक्त सचिव.

THE NORTH-EASTERN AREAS (REORGANISATION) AMENDMENT ACT, 2012

An Act

further to amend the North-Eastern Areas (Reorganisation) Act, 1971.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the North-Eastern Areas (Reorganisation) Amendment Act, 2012.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 61 of Act 81 of 1971.

2. In section 61 of the North-Eastern Areas (Reorganisation) Act, 1971, for sub-section (*3*), the following sub-sections shall be substituted, namely:—

"(*3*) On and from the date of commencement of the North-Eastern Areas (Reorganisation) Amendment Act, 2012, there shall be constituted each for the State of Manipur and for the State of Tripura a separate cadre of the Indian Administrative Service, a separate cadre of the Indian Police Service and a separate cadre of the Indian Forest Service.

(*3A*) The initial strength and composition of the State cadres referred to in sub-section (*1*) shall be such as the Central Government may, by order, determine before the date of commencement of the North-Eastern Areas (Reorganisation) Amendment Act, 2012.

(*3B*) The members of each of the said services borne on the joint cadre for the States of Manipur and Tripura in each category of the All-India Services immediately before the commencement of the North-Eastern Areas (Reorganisation) Amendment Act, 2012 shall be allocated to the State cadres of the same service constituted under sub-section (*1*) in such manner and with effect from such date or dates as the Central Government may, by order, specify.

(*3C*) Nothing in this section shall be deemed to affect the operation, on or after the commencement of the North-Eastern Areas (Reorganisation) Amendment Act, 2012, of the All-India Services Act, 1951, or the rules and regulations made thereunder.". 61 of 1951.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2013.

"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2012-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 317-N] रायपुर, गुरुवार, दिनांक 18 जुलाई 2013—आषाढ़ 27, शक 1935

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, कैपिटल काम्प्लेक्स, नया रायपुर

रायपुर, दिनांक 19 जुलाई 2013

क्र. 6160/डी. 158/21-अ/प्रा./छ.ग./13.—भारत सरकार, विधि और न्याय मंत्रालय के पत्र क्र. F. 1 (38)/11-L.I./ नई दिल्ली, दिनांक 03-05-2013 के अनुसरण में दी एप्रोप्रियेशन (नं. 4) एक्ट, 2012 (नं. 40 ऑफ 2012) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
सुषमा सावंत, अतिरिक्त सचिव.

THE APPROPRIATION (NO. 4) ACT, 2012

An Act

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2012-13.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Appropriation (No. 4) Act, 2012.

Issue of Rs. 32119,50,00,000 out of the Consolidated Fund of India for the financial year 2012-13.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of thirty-two thousand one hundred nineteen crores and fifty lakh rupees only towards defraying the several charges which will come in the course of payment during the financial year 2012-13 in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE
(*See* sections 2 and 3)

1	2		3		
			Sums not exceeding		
No. of Vote	Services and purposes		Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
1	Department of Agriculture and Cooperation	Revenue	1,00,000	..	1,00,000
2	Department of Agricultural Research and Education	Revenue	1,00,000	..	1,00,000
3	Department of Animal Husbandry, Dairying and Fisheries	Revenue	..	*71,00,000*	71,00,000
6	Department of Chemicals and Petrochemicals	Revenue	2,50,00,000	..	2,50,00,000
7	Department of Fertilisers	Revenue	1,00,000	..	1,00,000
9	Ministry of Civil Aviation	Capital	2000,00,00,000	..	2000,00,00,000
10	Ministry of Coal	Revenue	1,00,000	..	1,00,000
		Capital	65,00,00,000	..	65,00,00,000
11	Department of Commerce	Revenue	2,00,000	*3,00,000*	5,00,000
12	Department of Industrial Policy and Promotion	Revenue	3,00,000	..	3,00,000
13	Department of Posts	Revenue	1,00,000	*54,00,000*	55,00,000
		Capital	..	*3,00,000*	3,00,000
14	Department of Telecommunications	Revenue	1,00,000	*87,65,00,000*	87,66,00,000
16	Department of Consumer Affairs	Revenue	10,01,00,000	..	10,01,00,000
19	Ministry of Culture	Revenue	3,00,000	..	3,00,000
20	Ministry of Defence	Revenue	1,00,000	..	1,00,000
23	Defence Services—Navy	Revenue	..	*7,00,00,000*	7,00,00,000
24	Defence Services—Air Force	Revenue	..	*3,00,00,000*	3,00,00,000
27	Capital Outlay on Defence Services	Capital	1,00,000	..	1,00,000
29	Ministry of Earth Sciences	Capital	2,00,000	..	2,00,000
30	Ministry of Environment and Forests	Revenue	3,00,000	..	3,00,000
		Capital	1,00,000	..	1,00,000
31	Ministry of External Affairs	Revenue	1,00,000	..	1,00,000
		Capital	365,00,00,000	..	365,00,00,000
32	Department of Economic Affairs	Revenue	118,35,00,000	..	118,35,00,000
		Capital	4,00,000	..	4,00,000
33	Department of Financial Services	Revenue	2,00,000	..	2,00,000
		Capital	1,00,000	..	1,00,000
41	Department of Revenue	Revenue	2,00,000	..	2,00,000
		Capital	1,00,000	..	1,00,000
42	Direct Taxes	Revenue	230,32,00,000	..	230,32,00,000
		Capital	1,00,000	..	1,00,000
43	Indirect Taxes	Revenue	53,90,00,000	..	53,90,00,000
		Capital	1,00,000	..	1,00,000
45	Ministry of Food Processing Industries	Revenue	2,00,000	..	2,00,000
46	Department of Health and Family Welfare	Revenue	3,75,00,000	..	3,75,00,000
48	Department of Health Research	Revenue	1,00,000	..	1,00,000
50	Department of Heavy Industry	Revenue	1,00,000	..	1,00,000
		Capital	1,00,000	..	1,00,000
52	Ministry of Home Affairs	Revenue	1,00,000	..	1,00,000
53	Cabinet	Revenue	20,00,00,000	..	20,00,00,000
		Capital	30,13,00,000	..	30,13,00,000
54	Police	Revenue	4,00,000	*8,15,00,000*	8,19,00,000
		Capital	2,00,000	..	2,00,000
57	Ministry of Housing and Urban Poverty Alleviation	Revenue	1,00,000	.	1,00,000

1	2		3		
No. of Vote	Services and purposes		Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
58	Department of School Education and Literacy	Revenue	2,00,000	..	2,00,000
59	Department of Higher Education	Revenue	104,03,00,000	..	104,03,00,000
60	Ministry of Information and Broadcasting	Revenue	4,71,00,000	..	4,71,00,000
		Capital	1,00,000	..	1,00,000
61	Ministry of Labour and Employment	Revenue	2,00,000	..	2,00,000
		Capital	1,00,000	..	1,00,000
62	Election Commission	Revenue	1,00,000	..	1,00,000
		Capital	5,00,00,000	..	5,00,00,000
	Charged.—*Supreme Court of India*	Revenue	..	*9,50,00,000*	9,50,00,000
65	Ministry of Micro, Small and Medium Enterprises	Revenue	1,00,000	..	1,00,000
66	Ministry of Mines	Revenue	1,00,000	..	1,00,000
		Capital	79,46,00,000	..	79,46,00,000
68	Ministry of New and Renewable Energy	Revenue	110,26,00,000	..	110,26,00,000
72	Ministry of Personnel, Public Grievances and Pensions	Revenue	30,00,00,000	*1,87,00,000*	31,87,00,000
73	Ministry of Petroleum and Natural Gas	Revenue	28500,00,00,000	..	28500,00,00,000
	Charged.—*Staff, Household and Allowances of the President*	Revenue	..	*96,00,000*	96,00,000
77	Lok Sabha	Revenue	38,40,00,000	..	38,40,00,000
81	Ministry of Road Transport and Highways	Capital	...	*23,00,00,000*	23,00,00,000
82	Department of Rural Development	Revenue	2,00,000	..	2,00,000
85	Department of Science and Technology	Revenue	1,00,000	..	1,00,000
88	Ministry of Shipping	Revenue	1,00,000	..	1,00,000
89	Ministry of Social Justice and Empowerment	Revenue	1,00,000	..	1,00,000
90	Department of Space	Capital	1,00,000	..	1,00,000
91	Ministry of Statistics and Programme Implementation	Revenue	1,00,000	..	1,00,000
92	Ministry of Steel	Revenue	125,68,00,000	..	125,68,00,000
93	Ministry of Textiles	Revenue	3,00,000	..	3,00,000
		Capital	3,00,00,000	..	3,00,00,000
96	Andaman and Nicobar Islands	Revenue	76,72,00,000	..	76,72,00,000
97	Chandigarh	Revenue	3,00,000	..	3,00,000
		Capital	6,00,000	..	6,00,000
101	Department of Urban Development	Revenue	1,00,000	..	1,00,000
102	Public Works	Capital	1,00,000	..	1,00,000
104	Ministry of Water Resources	Revenue	1,00,000	..	1,00,000
105	Ministry of Women and Child Development	Revenue	2,00,000	..	2,00,000
106	Ministry of Youth Affairs and Sports	Revenue	3,00,000	..	3,00,000
		TOTAL	31977,06,00,000	*142,44,00,000*	32119,50,00,000

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2013.

A

BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2012-13.

(As passed by the Houses of Parliament)

GMGIPMRND—4427LS(S3)—02-01-2013.